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A REPLY

TO

“A FOOL’S ERRAND, BY ONE OF THE FOOLS.”

BY

WILLIAM L. ROYALL,

OF THE NEW YORK BAR.

“Judex damnatur cum nocens absolvitur.”

NEW YORK:
E. J. HALE & SON, PUBLISHERS,
17 MURRAY STREET.

1880.



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PREFACE.



IN the following pages I have endeavored to write the truth, and I have written it without regard to the matter of whom it may hurt. I have said some hard things, and I have not attempted to soften their native ruggedness by sugar coatings.

I look upon the book to which I have attempted a reply as a wilful, deliberate and malicious libel upon a noble and generous people, amongst whom I was born and raised, and in full sympathy with whom I hope to live and die. I look upon its author as one of the most contemptible fellows of those who have libelled that people, and not at all less contemptible because highly endowed with intellect; but rather more so, because, with all the disposition towards grovelling malice which a weaker man could have, he has yet far greater powers to injure, and he has deliberately used those powers to their full extent.

I have made no mealy-mouthed defence of the people of the South. It is not on bended knee and with cringing accent that, self-appointed advocate though I be, I have brought their cause before the world. I have attempted to speak for a race of whom the males are men, as I believe those men would have their race spoken for.

Writing in this spirit, I feel that those who do me the honor to read this essay are entitled to know something of who and what I am, in order that they may be the better able to judge what weight is to be given to what I say.

As a young Virginian, I was a soldier in the Confederate army, from the beginning of the war to the end of it. After the war I practised law, in Richmond, Va., until January, 1880, when I founded a daily newspaper, called "The Commonwealth," and edited it until August 1, 1880, in a vain endeavor, along with the rest of the "rebel element" there, to save my native State from the infamous brand of repudiation, which the Republicans and the scalawag native white population were seeking to put upon her. From the time that repudiation has been an issue in Virginia politics, I have been prominently connected with public affairs there. I mention these things, to show that I have been in a position to know the temper and feelings of the Southern people. I do not perceive that anything further personal to myself would be interesting or useful to the public, and I shall, therefore, proceed with the work which I have undertaken.

“A Fool’s Errand, by One of the Fools,”

REPLIED TO.

CHAPTER I.

A PRETENDER UNMASKED.

THIS is a small book ; but it would be difficult to find more malice in a large one. That it is written with great cleverness, it is needless to say. The popularity to which it has attained is the surest evidence of that. It pretends to be a picture of life and manners in the Southern States. Those who know the people of those States, know it to be no picture, but they recognize in it a grotesque caricature. It contains just enough of truth to give color, skilfully wrought into a warp and woof of *suppressio veri* and *suggestio falsi*. Manifestly, the writer has seen much of the life and ways of the people of the South, and he has learned much of those people. Instead, however, of using his knowledge to represent them fairly, he has used it to misrepresent them. Much as the writer has seen of the people of that section, he does not know them. He could not paint a picture of Southern life, if he tried—and his

object has been to mislead. He has manifestly heard a good deal of the negro dialect; and yet his representations of that dialect are ridiculous to those who have been raised with the negro. His negro conversations are no more like the real language of the negro than a Chinaman's pigeon English is like the English of Herbert Spencer. He comes about as near representing the negro dialect correctly, as the Ethiopian stage players, who never saw a negro, usually come.

Had "The Fool" possessed the knowledge of Southern character, necessary to draw it to the life, he would never have blundered here; and a blunder at this point inevitably betrays, to the knowing, the impostor who pretends that he understands that people.

We read, in the eleventh and twelfth chapters of the Book of Judges, that there was war between the Ephraimites and the Gileadites, and that the Gileadites slew many of the Ephraimites, even unto all that fell into their hands, when they ascertained that they were Ephraimites. Therefore, when an unlucky wight of an Ephraimite fell into the hands of the Gileadites, it is not unnatural that he should have denied his nationality. The Gileadites, however, had one sure test for an Ephraimite. The latter could not pronounce the Hebrew letter *sh* in the word *Shibboleth*. Consequently, when a stranger was suspected of being an Ephraimite, he was subjected to this test, and if the answer came *Sibboleth*, off went his head. Milton has commemorated the fact in the following lines:

"Without reprieve, adjudged to death,
For want of well pronouncing *Shibboleth*."

The Ephraimites' "want of well pronouncing Shibboleth," did not betray him more surely, than "The Fool's" ridiculous negro conversations betray him.

When a writer undertakes to describe the life and manners of the Southern people, and makes the negroes talk a lingo, composed in part of accurate and correct English, and in part of a jargon that never existed anywhere, save in the imagination of some one who supposed he could talk their language *a priori*, we know that he is an impostor, and is dealing with a subject that he is utterly incompetent to handle.

Just as, by the same token, we know that the pretended soldier who can give you marvellous accounts of his exploits during the war, and especially at the battle of Fredericksburg, was a camp follower or deserter, or something worse, when we hear him talking of the charge on "*Saint Marye's Hill*" ("Fool's Errand," p. 133).* The work is a systematic and well considered libel upon the people of the Southern States of this Union, and is very well calculated to do them a most foul injury and wrong.

*The charge was on the hill upon which Mr. John L. Marye's house is situated. "The Fool" evidently got the idea in his head that *Marye* was some sort of corruption of *Saint Marye*.

CHAPTER II.

SOUTHERN LIFE AND CHARACTER, AS PORTRAYED
BY "A FOOL."

"A FOOL'S ERRAND" purports to tell the story of the residence of a Northern man who had served through the war in the Federal army, in the Southern States, from the year 1865 to 1877 or 1878. This Northerner had gone South in good faith to dwell there and to cast in his lot with the people there. It recounts a sad life for him, and one of terrible oppression and persecution, due to the fact that he was a Northern man. It represents the white people as almost unanimously animated with the most intense, bitter and savage hatred of the negro, viewed otherwise than as a chattel, as property—viewed as a component part of society, and very graphically and powerfully unfolds a story of wrong, outrage and oppression, of which he was, through years, systematically made the victim by the white people. It pretends to tell the story of the notorious Ku-Klux plots. It represents the entire white population of the South that had been in sympathy with the Confederacy, as actively engaged in this Ku-Klux conspiracy, which had its ramifications in every county and neighborhood of the Southern States, and which beat, hung and shot negroes by the thousands, just for the sport of the thing.

To be sure that I do him no injustice, I will quote a

few passages out of the many in which "The Fool" describes the state of affairs. A committee of citizens having addressed him a note of a somewhat warning character, he replies to it, and in that reply he says:

"Of course, as I have not access to the secret archives of the Klan, I have no means of verifying this estimate. You will recollect that this estimate embraces every unlawful act perpetrated by armed and organized bodies in disguise. The entry of the premises and surrounding the dwelling, with threats against the inmates; the seizure and destruction or appropriation of arms; the dragging of men, women and children from their homes, or compelling their flight; the binding, gagging and beating of men and women; shooting at specific individuals, or indiscriminately at inhabited houses; the mutilation of men and women in methods too shocking and barbarous to be recounted here; burning houses, destroying stock, and making the night a terror to peaceful citizens by the ghastly horror of many and deliberate murders" (p. 221).

Again, describing the general condition of the country, he says (p. 226): "A strange commentary upon civilization; a strange history of peaceful years—bloody as the reign of Mary, barbarous as the chronicles of the Comanche. Of the slain there were enough to furnish forth a battle field—and all from those three classes, the negro, the scalawag and the carpet bagger—all killed with deliberation, overwhelmed by numbers, roused from slumber at the murk midnight, in the hall or the public assembly, upon the river brink,

the lonely woods road, in simulation of the public executioner—shot, stabbed, hanged, drowned, mutilated beyond description, tortured beyond conception, * * * and then the wounded—those who escaped the harder fate—the whipped, the mangled, the bleeding, the torn! men despoiled of manhood! women gravid with dead children! bleeding backs! broken limbs! Ah! the wounded in this silent warfare were more thousands than those who groaned upon the slopes of Gettysburg! Dwellings and schools and churches burned! People driven from their homes and dwelling in the woods and fields! The poor, the weak, the despised, maltreated and persecuted.”

In this wholesale game of murder, rapine and plunder, “The Fool” represents that the entire white population of the South—save those that were attached during the war to the Union—took hands, and all from a bitter, malignant, unyielding hatred for the negro as a component part of society. By consequence, too, he represents that they extended this feeling to all persons who came from the North. At page 155 he says: “Whatever or whoever was of the North or from the North was the subject of ridicule, denunciation and immeasurable malignity and vituperation.”

This is the picture of a fearful social condition, and if it were a correct one, it would justify very serious reflection at the hands of philanthropists generally. That it is as false as hell itself, every man who has lived in the South knows perfectly well.

That during what is known as the period of recon-

struction, in several of the Southern States there were violence, disorder, and possibly outrage, no candid Southerner will deny. But that there was any such state of affairs as "The Fool" represents—a wholesale plot in which all or any considerable portion of the people were engaged—every man, woman and child who knows anything of the subject, knows to be ridiculous. And yet, I doubt not that this "Fool's" picture of the state of society in the South will be accepted by the world as drawn to nature. The Northern and Western parts of this Union are blessed with a credulity touching all matters which tend to bring the white people of the Southern States into disgrace and contempt, which, as an article of Faith, would meet the requirements of all that the most enthusiastic professor of the Christian religion could ask for. No story, however monstrous, which represents a Southern community in an attitude of violence and defiant turbulence, is too gross for Northern belief. The typical idea of the Southerner is that of a long, lank man, with scraggy hair and beard, and broad brimmed, slouch hat, who has no less than two revolvers always concealed about his person, which he will immediately use with deadly effect, whenever an opportunity to trespass upon some other person's rights occurs. Without taking the trouble to inform themselves correctly touching the people of the South, they accept any derogatory story that timid sensationalists or designing scoundrels may choose to invent, as the truth regarding those people. I have met frequently with curious and absurd illustrations of this.

Colonel S—, of South Carolina, related to me an amusing instance of it. A few years back he was returning home from a summer's sojourn at the Greenbrier White Sulphur Springs of West Virginia, by way of Richmond, Va. On the way, two gentlemen got on the train, returning from the Hot Springs in Bath County, Virginia, where they had been for some time taking the hot baths for rheumatism. One was a Mr. A—, of Boston, and the other an acquaintance of Colonel S—, Mr. B—, of Charleston, S. C. They had become well acquainted with each other, and had frequently talked over the condition of the South. Mr. B— was a *bon vivant*, and was very fond of what was good to drink as well as of what was good to eat. In the course of the journey he came to Colonel S—, and told him that the gentleman from Boston had some of the finest brandy he had ever seen; that he had given him two drinks of it, but he wanted another, and was ashamed to ask him for it. "Come," says he, "let me introduce you to him, and he'll offer you a drink, and in that way I'll get another." Colonel S— thanked him, but begged to be excused. Soon afterwards he saw B— talking very confidentially to A—, and nodding significantly at himself, and very soon the two came up, and Mr. A— was presented to Colonel S—. A— seemed very anxious to play the agreeable, and offered the party some of his brandy. In this way B— got his drink.

When the party arrived in Richmond, B— went on through, but Colonel S— and his Boston friend

stopped. They went to their rooms and dressed, and soon after, the Bostonian meeting Colonel S——, asked him to go over to the bar and get a julep. S—— asked to be excused.

“Oh,” says A——, “don’t you mind me. I’m all right. I wouldn’t tell on you for the world. I don’t care how many of them are killed.”

On hearing this S—— took in the situation. He saw at once that B——, to get his drink of brandy, had told some story on him that would excite the Bostonian’s interest and would thus lead him to seek S——’s acquaintance, when an offer of the brandy to the party would follow. He therefore went with A—— to the bar. Whilst standing there he said, “What tale did B—— tell you about me, anyhow?”

“Oh,” says A——, “don’t you mind me; I’m not going to tell on you. I don’t care if you was to kill all of them.”

“But what,” says S——, “did he tell you about me?”

“Oh,” says A——, “your friend told me all about your troubles. He told me about your being a Ku-Klux, and having killed those three negroes, and about your being up here in the mountains hiding around to keep from being caught.”

“Now that just shows,” said S——, “how you people get fooled. I’m no Ku-Klux, and I never killed a negro in my life. I’m not that sort of a man.”

“Oh, never you mind,” said A——, “I’m all right. I’m not going to tell on you. You can just feel perfectly satisfied about that.”

And he parted with S—— under the full belief that he was a terrible Ku-Klux, and has, no doubt, many times since made his children's hair stand on end with accounts of the desperate, ruffianly Ku-Klux that he met on that trip. Mr. Conkling would do well to put the account of these three murders into his scrap book to swell the list of the helpless negroes who have been assassinated.

I will mention another ridiculous thing of this sort that came under my observation.

After Mr. Tilden had been elected President of the United States, but before Mr. Hayes took his seat, a wag came into the City of Richmond one evening on a crowded train. There was, as usual, a large crowd of idle, lazy negroes standing around the depot. This wag jumped off amongst them, and commenced going from one to another, making a cross mark with a piece of chalk on the back of each. Somebody asked what he was doing it for. "Oh," says he, "Mr. Tilden sent me word that I could have all I could mark." A panic ensued amongst the negroes, which extended very considerably beyond those at the depot. I afterwards heard of this thing being seriously told out in Minnesota as an evidence of a desire and purpose upon the part of the Southern people to re-enslave the negroes if they could.

CHAPTER III.

THE REAL SITUATION AT THE SOUTH—THE CARPET
BAGGERS—A. W. TOURGEE.

HE who would really understand the present state of affairs in the South, and the temper and feeling of the people toward the negro and toward the government, must take a retrospective view of society there for the past twenty years.

In 1860 there can be no doubt that a large part of the population of the Southern States was opposed to a secession of those States from the Union. But when once the act of secession was accomplished and the tocsin of war had sounded, the entire white population, almost as one man, became ardent sympathizers with the Confederacy, and earnest supporters of its cause. Leaving out of view an inconsiderable part of the mountains of the South, and leaving out of the account such cowardly vagabonds as would profess friendship for one cause or another, according as the immediate profession would tend to save their persons from the risk of war—persons who were no more friendly to the Union than to the Confederacy, but who were eternally friendly to themselves alone—it would be safe to say that after the date when the first battle of Manassas was fought, there were not twenty-five persons in any one of the Southern States who did not sympathize heart and soul with the Confederacy and its cause.

“The Fool” has represented that there was a considerable body of the people that remained true all through the war to the Union, who exhibited the highest heroism in defying the Confederacy, and who were subjected to outrageous treatment for their loyalty to the United States. This is all the merest bosh and stuff. Let any man name the individuals in any neighborhood who sympathized with the Union, and I will undertake to show them to have been a set of selfish, cowardly skulkers from military service, with a rare exception here and there.

It is altogether a mistake, too, to believe, as many Northerners do, and as “The Fool” would represent, that the lower orders of society were dragooned into support of the Confederacy by the dominating higher and slave holding class. The institution of slavery, leaving the slave owner great leisure time, gave greater opportunities for the cultivation of all those relations of life which tend to produce individuality of character, than any other condition of life of which we have an account. Each slave owner, producing from his own resources almost everything that was necessary to life, was independent in a measure, of every one else, and, being under no necessity to exert himself in the way of manual toil, his attention was principally engaged with what goes in the direction of the ornamentation and embellishment of life. The individuality of character which this mode of life tended to arouse, was not confined to those who were slave owners; it extended from them, by contagion, to all orders of life. The “poor

white man" was as prompt to resent any apparent trespass upon his rights or personal dignity at the hands of his rich neighbor, as the rich neighbor would have been to resent the same thing at the hands of his social peer. Many a court green has witnessed a rich slave owner receive a black eye and a bloody nose from a "poor white man" of his neighborhood in retaliation for some slight which the poor man took as an indignity. This individuality of the people was exhibited in a marked manner in their jury trials. All orders of the white people were liable to jury service in Virginia, and I think I should risk nothing in saying, that in the thirty years preceding the war, there were more hung juries in the State of Virginia than in the States of New York, New Hampshire, Connecticut, Massachusetts and Maine combined, during the same period. Each man, therefore, of the population, went into the movement for the establishment of the Confederacy, from his own desire to see it established, and not because he was driven into it by terror of his more powerful neighbor. They made a fierce and a desperate struggle to accomplish their end, fully aware of what was at stake, but in no measure intimidated by the possibility of defeat. Having exhausted themselves, they threw down their arms with the most unreserved purpose of abiding by the issue. They recognized the judgment of the tribunal to which they had appealed as deciding two things: first, that there existed no right or power in any State to withdraw from this Union, but that it was, in the language of the Supreme

Court, "an indissoluble union of indissoluble States;" and second, that the institution of slavery was to be forever at an end in the Southern States. Having appealed to the tribunal of arms, declaring that before that tribunal they would make good the other side of both these propositions, and their chosen tribunal having decided against them on both points, it never entered into their heads to say or do one thing that could be said to be in contravention of the judgment that it had pronounced.

They accepted the result of the war as having settled both these points, and having placed them beyond the domains of controversy. They looked, however, with the utmost horror and dismay upon the suggestion that the ballot was to be placed in the hands of their former slaves. With the disfranchisements imposed upon themselves, they saw that this might well lead to the entire rule and dominion of each State passing into the hands of those slaves. They reflected that themselves were a proud and haughty people, developed by the habits and modes of thought of generations into a race peculiarly sensitive to whatever may have the appearance of personal indignity. They saw the African, on the other hand, totally destitute of every element in human character that governmental aptitude demands. Neither he, nor any generation of his ancestors, had ever had any instruction in those matters that are essential to a just appreciation of the responsibilities of a ruler. His ancestor had been brought to this country a savage—to bring him here

he had been trapped and lassoed in the jungles of his native forest as men hunt wild beasts. The negro's position after coming here had been more that of a domestic animal than of a member of society.

How could the dominant race, being a race such as the Southern people are, look upon the prospect of complete dominion over themselves passing by one single move to these their former slaves, without considering it one of the most fearful throes and revolutions to which society could fall a victim? Who can blame them for looking upon this as the very worst evil that could befall them? Who can blame them if they should have determined to die rather than see it accomplished? Who can deny that to their minds it was the same thing as turning themselves over to plunder, murder and rapine? Suppose that by some sweep of a magician's wand it should be so ordained that the monkeys in Africa should become the dominating race there, and that the men and women of Africa's wastes should bow their heads in submission to monkey rule. Who is he, bearing the form and semblance of a man, who would not share in the indignation of the human beings there, and who would not justify them in opposing this dominion, whether by shot gun or by fraud? How could fraud be predicated upon resistance to such a state of things?

Lieutenant-Colonel Napier, of the British army, who has perhaps seen the Bushman of Southern Africa to as much advantage as any other person, has given the following graphic picture of him :

“The Dutch Boer, the Griqua, the Bechuana, the Kaffir, all entertain the same dread of, and aversion to, those dwarfish hordes, who, armed with their diminutive bows and poisoned arrows, recklessly plunder and devastate, without regard either to nation or color, and are in their turn hunted down and destroyed like beasts of prey, which, in many respects, they resemble. Time, a knowledge of and an occasional intercourse with people more civilized than themselves, have made little change in the habits and disposition of this extraordinary race. The Bushman still continues unrelentingly to plunder, and cruelly to destroy, whenever the opportunity presents itself. His residence is still amongst inaccessible hills, in the rude cave or cleft of the rock, on the level karroo, in the shallow burrow, scooped out with a stick, and sheltered with a frail mat. He still, with deadly effect, draws his diminutive bow, and shoots his poisoned arrows against man and beast. Disdaining labor of any kind, he seizes when he can on the farmer’s herds and flocks, recklessly destroys what he cannot devour, wallows for consecutive days with vultures and jackals amidst the carcasses of the slain, and, when fully gorged to the throat, slumbers in lethargic stupor like a wild beast, till, aroused by hunger, he is compelled to wander forth again in quest of prey.

“When he cannot plunder cattle, he eagerly pursues the denizens of the waste, feasts indifferently upon the lion or the hedge hog, and, failing such dainty morsels, philosophically contents himself with roots, bulbs,

locusts, ants, pieces of hide steeped in water, or, as a last recourse, he tightens his girdle of famine, and as Pringle says,

‘ He lays him down, to sleep away,
In languid trance, the weary day.’

“ Whether this precarious mode of existence may, or may not have influenced the personal appearance of the Bushmen, it is difficult to say, but a more wretched looking set of beings cannot be easily imagined. The average height of the men is considerably under five feet, that of the women little exceeding four. Their shameless state of nearly complete nudity, their brutalized habits of voracity, filth, and cruelty of disposition, appear to place them completely on a level with the brute creation ; whilst the clicking tones of a language, composed of the most unpronounceable and discordant noises, more nearly resemble the jabbering of apes than sounds uttered by human beings.”

Suppose that through some social convulsion these Bushmen should be ordered into power and control over their neighbors, the Dutch Boer, the Griqua, the Bechuana, or the Kaffir. Would it be expected that the latter should submit to the rule? Would they not rise in the majesty of their nature and protest that it was a mockery of human government to force human beings, developed to their point in civilization, to bow in obedience to the rule of such beasts as these? They would, and every man, woman and child on this earth who knows the sentiments of human nature, would clap and applaud the act.

I do not of course mean to say, that the civilization of the Southern negro is advanced no further than that of the Bushman. But I do mean to say, that the difference between the civilization of the Bushman and that of any of his neighbors, the Kaffir for instance, is not so wide as that between the Southern negro and the Southern white. I mean to say, that there would be more show of reason to force the Kaffir to submit to the rule of the Bushman than there would be to force the Southern white man to submit to the rule of the Southern negro.

It altogether fails to meet the exigencies of the case to say that the Southern people, having held the negroes in their state of slavery, are themselves responsible for their present state of civilization. This is not a question as to who is responsible for the condition of things; it is an inquiry as to what is the real condition. Whoever may be responsible, the fact nevertheless exists, that the negro in his present state is not fitted to be put in dominion over the white people, and that conclusion being arrived at, disputes as to who is responsible for the situation will do for the entertainment of the male and female old women; but statesmen and practical people have no time for them.

Now, from the very ending of the war the Federal government exhibited a fixed determination to force the white people of the South to bow their necks to the negroes' yoke. It was decreed that a race, transformed in the twinkling of an eye from slave to free,

should be placed in absolute power over the race that for generations had held them as slaves. This was contrary to nature, and it was not reasonable to suppose that it could be done without producing violent social commotions. I will not deny that there have been such; but that they were not so violent as to drape the entire land in mourning, is the only surprising thing about the whole matter.

From the very ending of the war the edict went forth from Washington that no man should hold office in the Southern States who could not swear that he had had no sympathy with the Confederacy. As the entire white population had been in earnest sympathy with the Confederacy, this confined the possibility of governmental agencies to the negroes and such strangers as might happen to come there. No negroes could be found who were competent to discharge the offices of government, which practically confined the incumbency of office to the strangers who might happen to offer themselves. There was no lack of these. The number who were willing to forego all the enjoyments of their own homes to assist in the patriotic duty of "reconstructing the rebel States," was equal to what the most enthusiastic patriot could have hoped from his countrymen, and the utter unselfishness with which they took possession of every office that had a salary attached to it, was in perfect keeping with the patriotism of their natures. The whole South was at once overrun with the larvæ of the North. Wherever there dwelt a scoundrel, who feared that his neighbors

would give him his deserts in the form of a coating of tar and feathers, that neighborhood lost a citizen, and the South gained an apostle of reconstruction. Whenever the womb of the North revolted at its burden, and spewed forth some putrid mass of crime, the South received a patriot who knew nothing but "restoration of the Union," and devotion to the "poor downtrodden negro." These vultures and harpies came into every neighborhood where an office was to be filled. They inflamed the minds of the negroes with sensational stories of a determination on the part of the white people to re-enslave them. They made them believe that unless they organized themselves, and stood shoulder to shoulder, the white people would again reduce them to slavery. They organized them into what were called "Union Leagues"—organizations that had but one watchword, opposition to the whites. These "carpet baggers," for this was the name with which the people dubbed them, had but one purpose in all this, and that was to use the negroes' ballots to put themselves into all the offices in each State. Backed by the Federal Government they succeeded, and from the time that their governments were established they bent all the energies of their natures to swindling and plundering the people in every possible way. They stole directly and they stole indirectly. They robbed the public treasuries of every dollar they contained, and then increased the taxes of the people to replenish them that they might have more to steal. When all was absorbed that these sources would furnish, they

created the States' bonds, sold them for twenty-five and thirty cents on the dollar, and stole that, leaving the people with the burden of the bonds upon them. All this by men who had no particle of interest in the country, except in that part of it which they carried upon their dirty persons. No people was ever afflicted by such a curse as the Southern people were afflicted by in these carpet baggers. Æneas must have had them in his prophetic eye when, three thousand years ago, he described the harpies with which he met on the islands of Strophades.

"Tristius hand illis monstrum nee sævior ulla
 Pestis et ira Deum Stygiis sesse extulit undis.
 Virginei volucrum vultus, foedissima ventris
 Proluvies, unæquæ manus, et pallida semper ora fames."

I will give one illustration of the way in which these harpies plundered the people. The town of Vicksburg, Mississippi, contained, in 1868, about thirteen thousand inhabitants, of which, about six thousand were negroes, and, therefore, non-property holders and non-tax payers. It owed nothing at that time, and the rate of taxation was very small. In 1868, Vicksburg passed into the hands of a carpet bagger government, under which it rested until 1872. In that time, those carpet baggers had caused the rate of taxation to be raised to six per cent., on a heavy assessment of property, and they had fastened upon the town a bonded debt of six hundred thousand dollars, bearing ten per cent. interest, and a floating debt of over one hundred thousand dollars. Having destroyed the credit of the

place, they issued the scrip, representing the floating debt, at from forty to sixty cents on the dollar—that is, for an article worth five dollars, they would give the town's promise to pay ten dollars. Fifty thousand dollars would pay for all that was done with all the money received, in consideration of this load of debt.

It requires no careful reading of "A Fool's Errand," to discover that "The Fool" was one of these carpet baggers, and that his errand to the South was that of his fellows. Fortunately, we are not left to the evidence which his book furnishes, of the purposes for which he went South. We have the good luck to have other and complete outside evidence upon those points.

From the close of the war until 1871, the good old State of North Carolina was the victim of a carpet bag government, which was as atrocious as any that afflicted any other Southern State. When her own people got possession of their government, her legislature appointed a commission of eminent lawyers, to investigate the villany and rascality of which the State had been made a victim during the time of carpet bag rule. This commission took a great mass of testimony, and it has been published as the "Report of the Fraud Commission." It is Document No. 11, of Session 1871-72. And, oh! it does disclose a period of rascality, knavery, theft and plunder, which makes the reader rage and gnash his teeth. An account of one little transaction which it unearths will be found interesting.

Geo. W. Swepson and certain accomplices, of whom

one M. S. Littlefield, of New York State, calling himself "General," was the chief, determined to go into partnership with the State of North Carolina, in the business of building railroads, from the French Broad River to the Tennessee line, at Ducktown and Paint Rock. An act was accordingly passed by the carpet bag negro Legislature of North Carolina, chartering the Western North Carolina Railroad, as it was to be called, and providing that the State should subscribe to two thirds of its stock, when certificate was made to the Board of Internal Improvement, that one third of what it would cost had been subscribed by solvent individuals, and the building of the road had been put under contract. The State's subscription was to be paid for in her bonds, which were to be delivered to the president of the company. In October, 1868, those who proposed to organize the company had a meeting at Morganton. \$308,000 was, at that meeting, subscribed to the stock, and it was resolved that the subscribers should pay up in cash five per cent. of their subscriptions. \$200,000 of this \$308,000 was subscribed for by "General" M. S. Littlefield, \$100,000 by one Reynolds, of Statesville, and \$8,000 by other parties. Littlefield gave his check on a Baltimore banking house, for \$10,000, for his five per cent., which check was never paid; and Reynolds gave his note for \$5,000, for his five per cent., which, likewise, never was paid. Five per cent. in money was paid on the \$8,000. Thus, this great enterprise was started on a cash capital of four hundred dollars.

George W. Swepson was made president of the company.

Shortly afterwards subscriptions were added, making the whole amount \$2,000,000. Of this additional subscription Colonel S. McD. Tate took \$500,000, and General R. M. Henry took \$400,000, and General M. S. Littlefield took the balance. Nothing was ever paid on their subscriptions. The subscriptions necessary to secure \$4,000,000 of the State's bonds were thus secured, save only that the requirement of the statute that they should be made by solvent individuals, was hardly complied with. It was necessary, however, under the law, to go one step further. The road must actually have been put under contract, before the State could be called upon to issue her bonds. But with gentlemen as accommodating as General Littlefield around, this, of course, would not long remain a difficulty. It is true, that legislative lobbying had theretofore seemed to be his *forte*, and he had not been known to have had much experience in building railroads, but he was not the man to allow a trifle of this sort to stand between a friend and good luck. So he took a contract to build the road from Asheville west, while Colonel S. McD. Tate took one to build it from Asheville to Paint Rock. Thus Mr. Swepson was enabled to certify to the Board of Internal Improvement that \$2,000,000 of the capital stock had been subscribed for by SOLVENT individuals, and that the building of the road was under contract. He accordingly made these certificates, whereupon \$4,000,000 of

the bonds of the State of North Carolina were issued to him, in payment of her subscription to the road. It is refreshing to consider the view which Swepson took of the transaction at the time he made the certificates. The following question was asked him by the commission :

“Q. Were not those contracts considered at the time a mere formal compliance with the charter to procure the issuing of the bonds, and without any expectation that either of the parties would comply with the terms by doing the work ? ”

“A. It was considered a mere formal compliance in order to get possession of the bonds. There was no expectation that either of the parties would do the work themselves, or any part of it, and that the road would be let to real contractors.”

Within a short time \$2,640,000 more of North Carolina's bonds were issued to him on the same account. None of them were able to give any intelligible account of how this \$2,640,000 came to be issued to him, though Mr. Swepson stated, page 213 :

“In regard to having the second instalment of bonds (after the \$4,000,000), I think there was an additional subscription made by Littlefield, but the five per cent. was not paid by him. My impression is, that I must have made the certificate to the governor, otherwise I do not see how I could have gotten the bonds. But I cannot say, whether I did or did not make the certificate; *but I got the bonds.*”

Thus under a scheme by which the State was to subscribe to two-thirds of the stock when the other third was subscribed for by solvent individuals, and the building of the road was put under contract to responsible parties, Swepson was put into possession of \$6,367,000 of the State's bonds, when there had

been only a sham subscription to \$2,210,000 of the stock, and the building of the road had been put under sham contracts to these sham subscribers.

Swepson remained president of the company until October, 1869. In that time he had disposed, either by sale or hypothecation, of \$5,089,000 of these bonds, leaving \$1,278,000 of them in his possession, accounted for by him as lost through various accidents and misfortunes (page 320). How much of the proceeds of these \$5,089,000 of bonds the railroad got the benefit of, I do not know; but Mr. Swepson has given us an interesting account of what he did with \$880,000 of the proceeds of them. In his testimony he has told us, at page 328 (compare page 221), that, thinking he saw a good thing down in Florida, he took \$160,000 of the proceeds, and bought a majority of the capital stock of the Florida Central Railroad, and \$720,000 of it and bought \$1,000,000 of the bonds of the Pensacola and Georgia Railroad. In answer to the commission's questions, regarding this transaction, he stated, page 209 :

“When I commenced to make these investments, I intended them on my own account; but, after the heavy losses I sustained in New York and other places, I turned them over to Littlefield, to secure the Western Railroad Company, he agreeing to pay the full amount of the Florida investment to that company.”

After Swepson had been president for one year, it was determined to turn him out and make Littlefield president. I suppose that such a carcass offered pickings that were too good for any one man to be allowed

to remain long in possession of it; and the State holding a majority of the stock, whoever could control the State's vote could be made president. Swepson gave the commission the following account of that, p. 217:

"In New York, just before the election of president of the company, in 1869, Mr. Roberts, the secretary of the company, and Mr. Dowell, of Asheville, were caucusing frequently with General Littlefield. Littlefield came to me and stated that it was determined that he should be elected president of the company at the next October meeting. I told him 'Very well,' but that they must settle with me; that a good many of the bonds were pledged as margins for various persons, and I had lost some of them; that they must take these bonds and assume the margins; that they must take my investments in Florida, and if they would settle up, and let me out with whole bones, I would settle with the road in everything, and willingly stand aside and say nothing. Littlefield agreed to do so. We both attended the meeting at Asheville, where I declined to be a candidate for the presidency. A caucus of the Republican members of the corporation was had, I understood, at which I was not present; but General Littlefield told me it was determined to have a Republican president of the road, and that he was to be elected. * * * The meeting of stockholders was had, and General Littlefield by them elected president."

So that, as the Florida investment of the road's money turned out badly, it was determined that the road might have it.

It may be imagined that authority for all this stupendous and infamous robbery was not obtained without paying for it, and this brings us to the most delicious *morceau* of the whole evidence. We will preface this by the statement that all the world now knows that "The Fool," the author of "A Fool's Errand," who has professed to write an account of his

experiences in the South, is A. W. Tourgee, a carpet bagger, who migrated to North Carolina directly after the war, and who held office in North Carolina under her carpet bagger government as judge of one of her circuits. Mr. Swepson told the commission, pp. 201 to 203 :

“ In the special session of 1868 a bill was passed making an appropriation to the western division of the Western N. C. Railroad, as I now remember. That bill did not accomplish the purpose; for the reason, as I understand, that no tax was levied to pay the interest. In the fall of that year I was elected president of said road. I came to Raleigh, and urged the passage of another bill through the Legislature. I was then told by Littlefield and Deweese, who were a kind of lobby lawyers, Littlefield being the principal, that I would get no bills through the legislature unless I entered into the same arrangement, which they said the other railroad presidents had made, to pay a certain per cent. (ten per cent. in kind) of the amount of the appropriations.” (Let it be recollected that Littlefield had already made his great subscriptions to the stock of the road, and had already taken his great contract to build it.) “ I understood from Littlefield and Deweese that all the other railroad presidents had made such an arrangement with them. I had no conversation or agreement with the railroad presidents myself; but it was generally understood that each of them had employed Littlefield as a lobby lawyer. I then agreed to their proposition, and afterwards paid Littlefield upward of \$240,000 in money and some bonds for his services in procuring the passage of the bills through the legislature, making appropriations to the western division of said road.

Q. “ How did you make those payments to Littlefield, of money and bonds?

A. “ I paid money in various ways. Sometimes upon Littlefield’s order; sometimes by taking up his notes and notes of other parties at his request; sometimes in money to him; some bonds.

Q. “ Will you give the names of the individuals to whom these several sums of money have been paid?

A. "I have a list of the various sums of money paid out, the time when paid, and the names of the persons to whom paid, which list I will furnish hereafter as a part of my testimony. I have it not now with me.

* * * * *

Q. "You stated in the former part of your examination that you would furnish a list of the names of persons to whom money and bonds were paid. Are you prepared to give that list?"

A. "Since my last examination, I have had a full examination made by my clerk and book keeper, Mr. Rosenthal, of the accounts kept by him, and I hereby furnish to the committee a copy from the books of the account entitled 'M. S. Littlefield with G. W. Swepson.' This account I believe to be correct. The same was kept by my book keeper and clerk, Mr. Rosenthal. This list embraces the amount of \$241,713.31, which I stated in my report made to N. W. Woodfin and other commissioners, had been expended to secure the charter and appropriations on account of the western division of the W. N. C. R.R. Co.

Q. "Will you please state particularly on what account these various sums of money were paid, and whether you have vouchers for the same?"

A. "As I stated in my previous examination, I was told by General Littlefield and Deweese that I could get no bills through the legislature unless I entered into the same arrangements agreed upon by the other railroad presidents, which he said was to pay ten per cent. in kind on the amount of the appropriations. In pursuance of this agreement made with Littlefield, who was the principal man in the negotiation, the various sums of money were paid out to the different persons named in the lists furnished upon orders given by Littlefield, or upon notes given by him."

The account which Mr. Swepson furnished of the items of this \$241,713.31, paid for getting his bills through the legislature, is found at page 316 of the report. The first item on the account is:

"June 17, 1868. To A. W. Tourgee, \$200."

Near the end of the account the following item appears :

"July 24, 1869. To A. W. Tourgee and protest, \$3,502.55."

Explaining the items of this account, Mr. Swepson told the commission, p. 203 :

"In regard to the item of \$3,500, charged to have been paid to A. W. Tourgee, my recollection is that this was a draft of A. W. Tourgee, drawn on me without authority, and I did not pay it until some time after it had gone to protest, when General Littlefield requested me to pay it, and charge it to him on this account. I did so."

Again, page 218, the commission returned to this account and asked the following question :

Q. "Look over the account furnished by you as charged against Littlefield, and explain the items as well as you can recollect, and the considerations therefor.

A. "All these items were paid, as I have before stated, under an agreement between me and Littlefield. As to item charged to A. W. Tourgee, June 17, 1868, of \$200, the account given by Mr. Rosenthal is correct."

We go now to Rosenthal's testimony, p. 225. After stating that he was clerk and book keeper for Swepson from 1865 to the fall of 1870, and that he had made out the account which Swepson had filed, and that it correctly represented the money that Swepson had paid on account of his bargain with Littlefield, he was asked :

Q. "Do you know the consideration for which these various sums of money were paid?"

A. "As to the first item charged against A. W. Tourgee, of \$200, my impression is that it was a note that was in bank which was overdue, and Swepson took it up. It is probable, however, that it is for money loaned directly by Swepson to Tourgee. I was told to charge it to Littlefield. I was told by Mr. Swepson that he was to pay Littlefield a certain sum for getting these railroad bills through the legislature, and these payments were to be charged against that account. As to the second item of \$3,502.55 against Tourgee, of date July 24, 1869, a draft drawn by Tourgee on G. W. Swepson for \$3,500 was presented for payment, and payment refused, and it went to protest. Some time afterwards Mr. Swepson instructed me to pay it, and charge it to this account, which I did."

The commission state, at page 21, that they had summoned all persons referred to in Swepson's account before them to be examined with reference to the payments there charged, and that all had come except James Sinclair and Judge Tourgee.*

"General" Byron Laffin, a "visiting statesman," who did North Carolina the honor to represent one of her counties in her legislature, and who figures in several places in the report (Mr. Swepson accounts for \$55,000 of the \$1,278,000 that he was short by this item, "55 bonds hypothecated with Clews & Co., on account of Byron Laffin"), got into an omnibus one day to go to the railroad depot on his way North, about the time that the carpet bagger government was falling to pieces; some one called to him, "Why, general, are you not coming back?" "Oh," said he in reply, "is there anything left?" Little matters of this sort are quite sufficient to account for the people of North

* See Addendum, page 87.

Carolina having made Mr. Tourgee's stay there quite disagreeable to him, without resorting to the presumption that he was unpopular by reason of being a Northern man. I have no doubt that if "General" Laffin should come forward to testify in the matter he would tell us that his stay was made quite as uncomfortable as Mr. Tourgee's.

But one result could flow from this state of things. Those who looked for peace and order under it, expected the laws of nature to reverse themselves. They were people who could persuade themselves to believe that water could be coaxed into running up hill, or that Niagara's torrent might be checked with a finger. Just so long as the negroes remained banded into a solid organization—held together for the sole and exclusive purpose of dominating the whites, and just so long as the carpet baggers remained amongst the people egging the negroes on, and encouraging them to maintain their organizations—just so long there was bound to be hostility between the races and bitter and undying hatred of the carpet baggers. Be the community where it may, the virtue, the intelligence and the property of that community must rule it, and when the community is divided into two distinctly marked races, and one of them contains all the virtue, intelligence and property, and the other has none of either, then the more civilized race must dominate the less civilized, whether it be more numerous or whether it be less numerous. If it is not done by direct force, it will be done by superior knowledge and art. It

must be so as between the Southern negro and white ; it would be so as between the Northerner and the Chinaman ; it must happen between the Englishman and the Zulu.

If the people of the North and West would only learn the lesson which reflection and experience long to teach, they would abandon the attempt to force an intercommunion of the races in the South, which the laws of nature forbid. They would learn that race prejudice is the most powerful force that operates upon the human mind, and that all the bayonets on earth cannot force a race, holding the relation to another race that the white people of the South hold to the negroes, to live in submission to that less civilized race. Risk of death is more endurable to them, and a persistent effort to force the submission must result in constant revolution and bloodshed.

The people of the North and West are greatly mistaken, too, in their idea of the relations that exist in the South between the two races. There is no hostility whatever between them when the negroes are let alone, and no designing scoundrels stir up strife between them for the accomplishment of their own ends. The attempt to maintain carpet bag governments in the South having been abandoned for several years past, the utmost cordiality and amity have come to exist between the two races. The two races having been born and reared together, each understands perfectly his position in the social scale, and neither attempts to invade the domain of the other. The negro is pressing himself

along, acquiring property and educating his children. With nothing to excite the white man's prejudice of race, this is telling on him. He is beginning to watch with great interest the negro's development from a condition of servitude into one that will in time fit him for the discharge of a citizen's duties. He aids and encourages him in every way in his power. He gives him absolute protection in all his rights of person and property. In the courts the negro receives as absolute justice when his controversy is with a white man, as the white man would receive in a controversy with another white man. The white man all over the South is taxing himself, and heavily too, to furnish free school education to the negro, and it is telling wonderfully upon that race. A few of the facts relating to this matter in the State of Virginia will be interesting in this connection. The white people of Virginia overthrew the carpet baggers and got possession of their government in 1869. From that time to this they have annually taxed themselves to keep up an elaborate free school system, and the following numbers of negro children have been annually taught in the free schools:

In 1871, there were 38,554; in 1872, 46,736; in 1873, 47,596; in 1874, 52,086; in 1875, 54,941; in 1876, 62,178; in 1877, 65,043; in 1878, 61,772; in 1879, 35,768; in 1880, 68,000.

Here are more than half a million of negro children that the white people of the State of Virginia have given the advantages of education to in the past ten years. The negroes themselves have contributed little

or nothing toward the cost of it. The expense of it has been voluntarily borne by the white people of the State, and that notwithstanding the utter disorganization of labor left by the war, the loss of capital and the destruction of property, and the terrible pressure of a very large public debt, created before the war. The difference of conditions being considered, the other Southern States show a parallel state of affairs. The white people of Virginia have shown the same humane spirit in their care for the negro insane. A central lunatic hospital has been established for them, in which all the insane negroes of the State are placed, and they there receive the very same attention and care that are bestowed upon the white insane. Every medical appliance which the progress of civilization shows to be adapted to the treatment of the insane, is furnished to these negroes. For the past ten years there have been in this hospital an average of nearly three hundred patients each year. The very great expense of this is voluntarily borne by the white people of Virginia.

As illustrative of the utter absence of hostile feelings between the races when they are allowed to dwell together without the disturbing influence of selfish carpet baggers, I venture to make this statement. The proprietors of a street car line in Richmond, Charleston, Savannah, Mobile or New Orleans, might on any day discharge every white driver and fill their places with negroes, and no greater commotion would ensue than upon any other ordinary change in a business.

I should not like to see the result if such an experiment should be tried in the City of New York or in Boston!

When the Virginia delegation to the Democratic convention, at Cincinnati, went out, one gentleman, a delegate from the City of Richmond, carried his servant, a negro man, with him. On the way to Cincinnati, it became necessary to travel all night on the Pennsylvania Railroad. The gentleman mentioned, determining that his servant should be comfortable, hired a sleeping berth for him. Mr. Samuel J. Randall, speaker of the House of Representatives, and a prominent candidate for the presidency—so prominent that the great State of New York cast her entire seventy votes for him—was on the train, and it was so crowded that he could not get a sleeping berth. The conductor of the train came to this Virginia delegate and asked him if he would not make his servant surrender his berth to Mr. Randall; that if he did not, Mr. Randall would have to sit up all night. The delegate very promptly told him that he would not; that it was a mere question of whether Mr. Randall should be uncomfortable all night or whether his servant should be uncomfortable, and that Mr. Randall had as well be uncomfortable as his servant. And he went to the negro and told him to let him know if any effort was made to deprive him of his berth, and that he would protect him. Every Virginia delegate to the convention can vouch for the truth of this statement.

Now, this delegate was in every way identified in the

most intimate manner with that element in the Southern States which "The Fool" represents as hating the negro with an intense hatred, and yet he would not consent to see his negro servant made uncomfortable to make the present speaker of the House of Representatives, and possible future president, comfortable. I would like to see which one of "The Fools" who vex the ear of the public with their snivelling lies about the oppression of the negro, would have done this! Whichever one of them had been applied to, he would have hastened, with obsequious self-abasement, to kick his servant out, that the great man might enjoy his ease.

It is only necessary to leave the white man and the negro alone, and they dwell together in perfect peace, and the negro will, by degrees, evolve himself into such a condition of civilization, as to entitle himself to a share in the political administration of the country. But, if this constant effort to force an unnatural assimilation of the races is kept up, disorder and confusion must be the result. When a small auger hole is bored through the bottom of a tank full of water, if let alone, it will, by degrees, draw all the water off and leave the tank in perfect condition. But if an attempt be made to force the water through this small orifice, so that the tank may be emptied in half the time, it will burst and great damage will be done.

CHAPTER IV.

TREATMENT OF NORTHERNERS IN THE SOUTH.

“THE FOOL” represents the Southern people to have been animated with a bitter hatred towards all people from the North. This also is a slander upon them, and can easily be shown to be one. They did and do have the most intense feeling of hostility for all Northerners who, like “The Fool,” came amongst them to band the negroes together as a political machine, through which they might be plundered and robbed. But every Northerner who has gone into the South since the war, settled amongst the people, and shown an intention to accept the situation as it is, and to try and build up the country and retrieve the losses of the war, has been received by the people with respect and hospitality, without any regard whatever to the place from whence he came.

Gilbert C. Walker, of the State of New York, came to Virginia in the year 1865, connected with the Federal army, and settled at Norfolk, Va. As soon as the war was over, he accepted it as ended, and showed by all he did and said, that he proposed to live in peace and amity with the people amongst whom he had settled. He soon became exceedingly popular. In 1869, when the white people of Virginia were given an opportunity to struggle for the possession of their government, they selected Gilbert C. Walker—Northerner though he was, connected with the Federal army

though he had been—and made him their candidate for governor, against H. H. Wells, a Northerner of the carpet bagger stripe, whom the negroes made theirs.

Walker was elected governor. He served his term of four years with great satisfaction to all orders of the people, and when he came out of his office, he was the most popular man before the white people of Virginia in the State. He could have beaten any other man in the State, upon a direct vote of the white people, for any office within their gift. I have, myself, seen him come into the Richmond Theatre, when it was filled from pit to dome, with all classes of people, from the humblest artisan to the proudest scion of the old slave holding aristocracy, and I have seen the entire body, ladies and gentlemen, rise as one man to cheer him.

As soon as his term of governor was ended, he offered himself as a candidate for nomination, by the white people, for member of the House of Representatives, from the metropolitan district of Virginia, containing the City of Richmond, the capitol of the late Confederacy. His competitor for the nomination was Col. John H. Guy, a gentlemen of the highest integrity and character—universally respected and esteemed—a man who had been a distinguished colonel in the Confederate army, and who was in every way identified with the old slave holding element. *Yet Walker beat Col. Guy, before the WHITE PEOPLE, ten votes to one.* He was elected to Congress, served his term of two years, returned, and offered again for the white

people's nomination. This time no one dared to run against him, and he was made the white man's candidate, *nem. con.*

Colonel Albert Ordway, of Massachusetts, came into Richmond at the surrender, in command of a Massachusetts regiment. He settled there, and at once manifested a purpose similar to Walker's. He gained unbounded popularity, was constantly sent to the city council by the white people—was made their candidate for Congress, and was one of the most popular members of the Richmond club, a social institution, which was very small and very select, and composed almost entirely of the bluest blood of the old slaveholding aristocracy.

General W. F. Bartlett, of Massachusetts, had been a distinguished soldier in the Federal army. He had commanded a brigade of negroes at the terrible battle of July 30, 1864, known as the battle of "The Crater." In 1872 he settled in the City of Richmond. Writing to his friends in Massachusetts, he says: "Before we had been here a month we found ourselves overwhelmed with kindness, cordiality and hospitality from the very nicest people here." "*Palfrey's Life of Bartlett,*" page 235.

These facts speak for themselves. They give voice to louder tones than all the brays of all the fools that ever went on errands of plunder and theft. And instance might be piled upon instance, taken from each Southern State, indicating the cordial reception which the people have ever given to all Northerners who

have come to settle amongst them for the purpose of building up the country. They have had no feelings of hostility for any Northerners except those who have come amongst them to plunder and rob, and to band the negroes together as a political machine for their own subjection. They have, and in the nature of things must have, a deep and abiding hatred for those.

CHAPTER V.

NORTHERN IDEA OF THE "REBEL BRIGADIER"—THE "REBEL BRIGADIER" THE MOST LAW ABIDING CITIZEN IN THE COUNTRY—DUPLICITY OF THE REPUBLICAN ADMINISTRATION IN VIRGINIA POLITICS.

THERE is a general belief in the minds of Northern people that the white people of the South are a lawless, turbulent, disorderly set, quite opposed to everything in the nature of conservatism. The "Rebel Brigadier" represents to the Northern mind an embodiment of all that is opposed to law and order. Now, no greater injustice was ever done to a people than this error does to the Southern people. There is no people now living upon the globe who are so entirely conservative in their character as the white people of the Southern States. They fought the late war from a sense of duty, and with a deep seated conviction that they were right. However much a

Northern man may declare that the act of the Southern man was treason, yet to the mind of the Southern man his act was not only right in the sight of God, but enjoined upon him by His law. Having failed in his contest he has loyally surrendered the propositions for which he fought, and he proposes loyally to abide by the covenant into which he entered at the end of the war. He will not tolerate a suggestion of anything which is not in perfect faith with the terms upon which the surrender of his arms was received. Should a Northern State attempt to secede from this Union, no part of the country could be relied upon so surely to coerce her to resume her proper relations to the general Government as the lately seceded States. The State of Virginia to-day affords a striking illustration of the conservative character of the "Rebel Brigadier." Before the late war, that State had borrowed a large sum of money, which had been expended in creating her railroads, canals and public institutions, for which she had given her bonds. Within the past five years an effort, headed by Wm. Mahone, who was a major-general in the Confederate army, has been set on foot to repudiate a large part, if not all, of this debt. In the fall of 1879 an election for members of the legislature was held in Virginia, and the issue in that election was the repudiation or non-repudiation of the debt. In that election all the negroes (who constitute the Republican party of the State) voted for legislative candidates who favored repudiation, *while every "Rebel Brigadier" in the State, save and except Wm. Mahone, voted to make the State pay her debt.*

There exists to-day in every county in Virginia, a feeling of bitterness between the repudiators and the debt payers, more intense than any that ever existed between any political factions in the United States. Duels have been fought over it, and constant personal collisions have occurred and are occurring, and yet every single "*Rebel Brigadier*" who now resides in the State of Virginia, except Wm. Mahone, is on the side of the debt payers.

Here they are by name—every person now living in the State of Virginia, who held rank in the Confederate army of brigadier-general and above, with the rank of each :

1st. General : General Joseph E. Johnston.

2d. Lieutenant-General : General Jubal A. Early.

3d. Major-Generals : General Fitz Lee, General W. H. F. Lee, General D. H. Maury, General Robert Ransom, General H. Heth, General J. L. Kemper, General James A. Walker, General L. L. Lomax, General William Smith, General G. C. Wharton, General Samuel Jones, General William B. Taliaferro, General Custis Lee, General Thomas L. Rosser, General Charles Field.

4th. Brigadier-Generals : General William H. Payne, General Lindsay Walker, General McComb, General R. D. Lilly, General D. A. Weisiger, General John Echols, General R. L. T. Beale, General Joseph R. Anderson, General John R. Cooke, General Eppa Hunton, General J. H. Lane, General M. D. Corse, General Beverly Robertson, General T. T. Munford,

General William R. Terry, General William Terry, General T. M. Logan, General Williams C. Wickham, General P. T. Moore, General Seth Barton.

This is a galaxy of citizens of which any State that ever existed might be proud. No nobler, truer, more self-sacrificing men ever lived in any country, than those whose names are mentioned above. Show them anything that it is their duty to do, and they will do it, let the consequences be what they may.

In the election just held, three presidential electoral tickets were run and voted for in the State—two Hancock tickets and one Garfield ticket. One of the Hancock tickets was put in nomination by a convention of the “Readjusters” party. All the negroes voted for the Garfield ticket, and all the whites, save a percentage too small to be of consequence, voted for one or the other of the Hancock tickets. The result was, for the Debt payers’ ticket, 96,912 votes; for the “Readjusters” ticket, 31,674; for the Republican ticket, 84,020. Now I do not mean to say that all who voted for the debt payers’ ticket are debt payers. But I do mean to say, that a very large proportion of them, perhaps eight out of ten, are. It is easy therefore to see how quickly the matter of repudiation would be disposed of in Virginia if the “Rebel Brigadiers” and the white people were allowed to have their way, and the Republican party did not force the State into repudiation.

In the contest that is going on in Virginia over this question of repudiation, not only are the “Rebel Brigadiers” on the side of the debt payers, but almost

all of what is derided as the "rebel element" is on the same side. Indeed, there is nothing on the side of the debt payers save and except that which is denominated in the North as the "rebel element." On the side of repudiation are all the negroes, *i. e.*, the Republican party, and the bumper and office-seeking element of the whites. The debt payers' party is made up of those who constituted the controlling classes before the war, *while the Repudiators' party is made up almost entirely of the Republicans* in the State, *i. e.*, the negroes. It is but justice to say that of the few white people in the State who are Republicans, some, perhaps a majority, are debt payers. But the fact stands, an incontestable fact, that the State of Virginia is before the world this day as a repudiating State, and made so by the vote of the Republican party, and in the face of the fierce and indignant protest of the "Rebel Brigadiers." Not only did the rank and file of the Republican voters vote for the repudiators' candidates in the election of a legislature in the fall of 1879, but those Republican candidates who were elected to the legislature, with but few exceptions, voted for the measures of repudiation that were brought before that body. A bill was brought up for its consideration, known as the Riddleberger bill, which repudiated nearly one-half of the debt straight out, and provided the machinery for repudiating all the rest, and this bill could not have passed either body of the legislature without the votes of the Republican members, *and it was passed through both bodies*

by their votes. It is not a statute of Virginia today, solely because her governor, a gallant "rebel" colonel who had lost his right arm in battle at the head of his regiment, vetoed it, and her constitution requiring a vote of two-thirds of the body to pass it over his veto, the effort made by the Republican members to accomplish that end was defeated by the "rebel element" of her legislature.

Further, with all the clatter that the Republican party makes about it being the party of law and order and public credit in this country, its leaders gave all the aid and encouragement in their power to the repudiation party in Virginia in this same election. The negroes vote absolutely at the beck and call of the administration of the Federal government. In the contest in Virginia, in the fall of 1879, had the Federal administration put in its oar, and made a serious effort to control the negro vote, that vote would have been cast solidly for the debt payers' candidates. But, because the debt payers' party was composed of the respectable part of the white people of the State, the influence of the administration was all thrown, in a silent and secret way, upon the side of the repudiators, whilst great pretence was publicly made that the administration was on the side of the debt payers. One fact will prove this statement beyond the possibility of cavil. When the canvass was at its hottest, Mr. Green B. Raum, next in the Treasury Department to the secretary, made public proclamation, that as an important part of Mr. Hayes' administration, he had

notified one Van Aucken, an officer of internal revenue at Petersburg, that it had been reported to the government that he favored repudiation; and that he had notified him that the government would not tolerate any such views in one of its officers, and that he must change them or give up his office. He added some fine homilies upon the duty of paying debts. This action of the administration was heralded all over the United States, and was in half the papers published in America. Good Republicans, wherever they read it, raised their eyes to heaven, and thanked God, that their president was not as other men, and that the rights of honest creditors were safe in his hands.

Now it so happened that Van Aucken was an original debt payer, had been one all along, and was one of the fiercest enemies the candidates of repudiation had in his vicinity. But one Hathaway was a collector of customs at Norfolk, drawing regularly a salary of \$1,800 per annum. This man, during all this time edited a daily paper at Norfolk, called the *Day-book*, which was the rankest advocate of repudiation in the State. Now, though the attention of the administration was constantly called to the injury which he was doing the debt payers' party with his paper, he was never once molested, and was allowed to draw his salary regularly from the Treasury of the United States, to supply him with means with which he could force the State of Virginia to repudiate that debt, which her "rebel" sons were trying to make her pay. The credit of the Republican party was preserved,

while no harm was done to the repudiators' party. All the aid in the administration's power was thus secretly given to the party of repudiation in the State.

The result of the war left the white people of Virginia flat on their backs. Their farms were devastated, denuded of stock and farming implements; fences were gone; their slaves, the real productive property, upon the faith of which the public debt had been contracted, were taken from them without compensation. There are many persons who would not have been surprised had these people in their despair said to their creditors: "We have been subjugated, we have been conquered, we have been robbed by our conquerors of all that we had when we borrowed your money. We refuse to be made the victims of plunder, and still hold ourselves bound to pay. Go, seek your money at the hands of those who have forcibly taken from us our means of payment." At least it would have created no surprise if, seeing the newly enfranchised race bent on repudiation, they had stood aside and permitted them to work their will. They have done neither of these things. To its everlasting glory be it said, the derided "rebel element" of Virginia has fought and fought, and is still fighting, against the Republican party of Virginia for the privilege of paying to their creditors—citizens of the Northern States and of Great Britain—what their State owes to them. And they have done this, notwithstanding the fact that it is they themselves who must pay it all, the Republican voters being almost all non-property

holders. Surely these be people who may repel the charge of turbulence and lawlessness! Surely these be people who may claim, that they are animated by the very highest sense of duty and conservatism.

The hydra of which we flippantly speak as "The Commune" is lifting its many heads in every quarter of this Union. The "strikes" of 1876 faintly foretold the commotions which will tear and rend our social fabric if the discordant elements which make up the population of the United States should ever get into the full jangle of discord. When the dreadful day arrives that shall witness these hostile elements in full battle array against each other, those to whom the widow and the orphan, the aged and the infirm, the weak and the property owner will look with the most eager hope, if it occur within their generation, will be the "rebels," whose yell was loudest and fiercest on the blood-stained heights of Gettysburg. Should this awful day arrive when they have passed away, then will it be to those, the descendants of these, who were taught at their mothers' knees that they must stand by the right, whatever may betide.

CHAPTER VI.

THE USUAL COMPARISON BETWEEN NORTHERN AND SOUTHERN CIVILIZATION.

It is quite the fashion to institute comparisons between the civilization of the South and the civilization of the North, always to the very great disadvantage of that of the South. In October, 1880, Senator Conkling made a speech in the City of New York which has been heralded from one end of this Union to another by his claquers, as a very great production of a very great man. Though the speech contains no direct assertion that barbarism reigns at the South, whilst the sun of civilization shines upon the North alone, its whole warp and woof is substantially this. After picturing a land of violence and disorder, he said, "The cause of such a condition, and the consequences, if it succeeds, are matters which no sane, intelligent man can put out of view; and yet he who discusses these must be told, in the coarse parlance of the day, that he waves 'the bloody shirt.' It is a relief to remember that this phrase and the thing it means is no invention of our politics. It dates back to Scotland three centuries ago. After a massacre in Glenfruin, not so savage as has stained our annals, two hundred and twenty widows rode on white palfreys to Stirling Tower, bearing each on a spear her husband's bloody shirt. The appeal waked Scotland's slumbering sword, and outlawry and the block made the name of Glenfruin terrible to victorious Clan Alpine, even to the third and fourth generation."

Mr. Conkling was most unfortunate in his selection for illustrating the barbarism of the South. Occasions may and do arise in every Southern State when widows may exhibit the bloody shirts of their slain husbands; and yet, while there is a deep feeling of sympathy for the widow, there is no feeling of regret for the husband; and common consent, which has become common law, applauds the act of the slayer. These occasions arise when an outraged husband takes the law into his own hands, and slaughters, where he finds him, whether at church or at fair, the traitor who has invaded the sanctity of his home and corrupted the wife of his bosom. Mr. Conkling's illustration may well suggest the inquiry whether that is a lower civilization which justifies the outraged husband in slaying the man who has thus ruined his home and his life, even though it should leave to a widow the legacy of a husband's bloody shirt; or whether that is a higher civilization which exhibits a terror-stricken husband thus wronged standing in the presence of his wife's paramour, shot gun in hand, yet trembling and afraid to shoot.

The habit which in all the Southern States prevails to a more or less extent, of protecting character by holding him who assails it to a personal account, is also constantly referred to as an evidence of the barbarism of the Southern people. I do not propose to say one word in justification of the *duello*. But this at least can be said of those regions where it is resorted to. The possessor of a fair character may feel sure, unless he do something to forfeit it, that he will pass his life

in full possession and enjoyment of it, exempted from all danger of having it besmirched and befouled with slanderous and calumnious statements regarding him.

With this blessing attained by tolerating the *duello*, the inquiry may well suggest itself, whether, as an institution, it is the greatest evil with which society can be afflicted.

Is it worse that a man should lose his life in a duel than that, after having lived blamelessly and with the respect and esteem of his acquaintances, he should be made the target for every irresponsible slanderer who may choose to defame him, and be brought down, after a life of credit, in sorrow and shame to the grave?

On the 25th day of October, 1880, the journal published in New York City, called *Truth*, in an editorial article, spoke in the following terms of James Gordon Bennett, Esq.:

“Well, it seems to be a desire on the part of Mr. Kelly to rid the community of one of the most despicable, low-lived, debauched scamps who ever disgraced his father’s name and brought odium on his very nationality. Mr. James Gordon Bennett, since childhood, has been a drunkard, an associate of women of the town, a night brawler, a coward, a cur. No respectable society will admit him—no ladies will acknowledge his suit—no gentlemen will shake him by the hand. He is forced to the companionship of the Gunny Bedfords, Wrights, Sanfords, Ikey Bells, Larry Jeromes, and other persons of more or less respectability and notoriety.”

This publication is made of a man who is the pro-

prietor of the most influential newspaper in the United States; who is one of the wealthy men of New York City; who is a member of the Union Club, of New York City, the most prominent social institution in the city—who associates in that institution with the leaders of New York society, and who visits at the houses of the leaders of New York society. If these published charges be true, what sort of a character can James Gordon Bennett have? If they be false, what is the value of his character to him? Only those who know him personally—and they must necessarily be few—can know that they are false, and to the rest of the world—who only know him as his character is published to the world—he is the sort of man that that publication proclaims him. Now, no man of any respectability could live in any community in any Southern State who allowed such a thing as this to be published about him, without risking his life in an encounter with the publisher. Consequently, no such publications are ever made, unless concerning men notoriously without character. Which is the higher order of civilization—that which permits a man to secure to himself the enjoyment of that character which a long and blameless life has entitled him to, or that which compels him to stand helplessly still whilst character thieves steal it from him?

It does not, therefore, follow, because this institution is tolerated to a certain extent in the Southern States, that the people of those States are barbarians.

CHAPTER VII.

THE DISCUSSION IN RELATION TO POLITICAL PARTIES IN THE UNION—THE TRUE LINE OF DIVISION BETWEEN DEMOCRATS AND REPUBLICANS—THE FOURTEENTH AMENDMENT.

THE general theme which we have discussed being substantially the true pivot upon which the difference between the two great political parties that divide this country turns, some remarks upon the respective aims of those parties may not be out of place here.

There is but one point of difference between the Republican party and the Democratic party; and, though that point is always carefully ignored and concealed in all party proclamations, it is broad, distinct and well defined. It is the aim of the Republican party to add to the powers of the general government—to strengthen the hands of the general government until, as is generally believed, that general government shall have full and undisputed power to do whatever it may determine to be most for the public good. The Democratic party, on the other hand, insists that the true chart of the general government's powers are to be found in a strict construction of the terms of the original constitution, as it may be modified by a construction of the amendments in harmony with that original constitution. The Democratic party insists that the government shall have no powers—shall have no existence—

outside of what a strict construction of the constitution and its amendments may give to it. There is no difference between the parties on any other point; there is a radical difference between them upon this one point. There is no difference between the parties upon a question of protective tariff. There are as many Democrats in favor of a protective tariff as there are Republicans in favor of it, and there are as many Republicans in favor of free trade as there are Democrats in favor of free trade. There is no difference between the two parties upon questions affecting the currency. There are as many Democrats in favor of an exclusively metallic currency as there are Republicans in favor of it; and there are as many Republicans who favor a system of inflated paper currency as there are Democrats who favor such a system. There is no point of difference of this sort between the two parties. There is but one single point of difference between them, and that is the point mentioned. Whatever a Republican's opinions may be touching the tariff or the currency, yet he favors a strong central government. Whatever a Democrat's opinion may be upon either of these matters, yet he insists upon holding the government down to the powers which a strict construction of the constitution will give to it. All Republicans are found upon one side of this proposition, and all Democrats are found upon the other side of it; and for the past fifteen years the Democratic party has been making a great, perhaps a fatal, mistake, in not forcing upon the country an acknowledg-

ment of this fact. With this as the point, and the only point, of difference between the two parties, it has, for the last fifteen years, permitted the Republican party to stand forth before the world arrogating to itself the claim that it is the party of law and order—that its aims are for the preservation of property and the protection of vested rights; whilst their antagonists, the Democratic party, are a party of turbulence and disorder—a party made up of all the bankrupt and discontented elements of the country, opposed to everything conservative, and allied to everything revolutionary. Not only has the Democratic party permitted the real point at issue to be ignored, but it has given only too much show of reason to the charges of its adversary. Wherever, in the Union, any ism has taken possession of the heads of crack-brained men, the Democratic party has sought to gather the disciples of this ism into its folds. It has eagerly sought the alliance of the greenbacker of Maine, the greenbacker of Indiana, the Kearneyite and sand-lotter of California, and the repudiator of Virginia.

It has sought companionship with all these noxious social elements, and they have fastened themselves on it like barnacles on a ship, until it is hard to tell the Democratic ship from the corroding barnacles. The Democratic party will not deserve to administer the affairs of this government until it shall kick off from itself all these filthy barnacles—until it shall challenge the Republican party's claim that it is the party of law and order and preservation of property—until it shall

present itself before the country as emphatically the party of law and order and property. When it shall do this; when it shall have spurned from itself every accessory which would lift it into power through lunatic isms and rascally devices for theft; when it shall have done this, and forced its adversary to join in battle with it upon the question of whether the ancient theory of a government of limited powers shall be preserved, or whether it shall be overthrown and a government of unlimited powers be substituted in its stead—then it may hope to come into the control of this government. But it never will so come into control until it does this, and it will not deserve to rule this Union until it does this.

The Republican party's theory of what the powers of the general government are and ought to be, is best illustrated by considering the political cases decided by the Republican Supreme Court in the spring of 1880.

In those cases, that court laid this down as the theory of our government under the amendments to the constitution adopted since the war. It held that the Congress of the United States was empowered by those amendments to enact any law that it thought necessary to secure to citizens the equal protection of the laws, and that it was the duty of the executive and judicial departments of the government to carry out and enforce any such laws as the Congress might enact. Two of the particular cases in which the doctrine was applied were these: Congress had enacted a statute

providing substantially that in every criminal prosecution or civil proceeding before a State court, if the defendant would make oath that he could not secure the enforcement in the State court of a right guaranteed to him by the constitution or laws of the United States, his case should be removed for trial into the United States Court. A citizen of Virginia was indicted in a court of the State of Virginia for the crime of murder, which was a violation of the laws of Virginia, but no violation of the laws of the United States. He made the affidavit prescribed by the statute, and had his case removed for trial into the Circuit Court of the United States. The State of Virginia resisted this. Now, it is obvious, if the removal could be sustained, that this was converting the courts of the United States into a machine for enforcing the laws of the State of Virginia, made for the prevention of crime. It was certainly converting the judicial department of the United States to uses that it was never intended for in its inception. Murder being no violation of any law of the United States, for the United States Court to take jurisdiction of the prosecution of a man charged with murder, was for it to take upon itself the duty of vindicating the offended sovereignty of the State of Virginia, and of enforcing the laws of Virginia made to suppress that crime.

The Supreme Court of the United States held that it was within the constitutional powers of Congress to enact such legislation if it was in its judgment necessary for securing to citizens the equal protection of the laws.

The second case was this: Congress had enacted substantially that if any State officer should administer his office in such a way as to deprive citizens of the equal protection of the laws, he should be liable to prosecution and punishment in the Circuit Court of the United States.

A judge of one of the courts of the State of Virginia was indicted in the United States Court for depriving citizens of the equal protection of the laws, by systematically omitting a certain class of citizens from his jury lists. He pleaded that being a judicial officer, vested with the exercise of a discretion, he could not be arraigned as for a criminal charge for executing the functions of his office as he best knew how, and that if he failed to give accused parties all their rights under the law, it was their duty to seek a reversal of his judgments through the ordinary processes of the law. The Supreme Court, however, held the act to be within the constitutional powers of Congress.

Now if, under the constitution of our government, Congress is invested with these powers, it is idle to talk of its being a government of limited powers—the general government is one of as full and despotic powers as any that has ever existed on the globe. If it be true that it has power to enact every law that is necessary to secure to citizens the equal protection of the laws, and if it be true that it is the sole and exclusive judge of what legislation is necessary for securing to citizens the equal protection of the laws, then there is practically nothing which the government

of the United States cannot accomplish. All talk of a government of limited powers is simply bosh, and we have a government clothed with as supreme powers as the most tyrannical despot could wish. Constitutional limitations are gone, and home rule and local self government are ended. Under the right of removal for trial, Congress may fill every State with its agents, placed there to carry out the will of Congress. However heinous may be their crimes—however they shock decency and violate the fundamental principles of the society where they may be—yet can Congress cover them with the panoply of a perfect immunity by providing that if the community attempt to prosecute them for their crimes, their causes shall be removed for trial into the Federal courts. Not only this, but under the judge's case it may operate directly upon each citizen of each community. It may provide that if any citizen dare place himself in opposition to the will of Congress, he may be seized, carried off to another State, tried for a crime in a Federal court, and punished as the judge of that court may see fit. If Congress can act upon the case of a State judge in this manner, so can it act upon the governor of the State, the members of the legislature of the State, each other officer of the State, and indeed upon every citizen of the State. Nay, more; if it have power to punish any officer of the State for executing a law which in its working deprives citizens of the equal protection of the laws, then in the plenitude of its powers it may act directly upon the law itself, and by its own act repeal that law.

With this as the theory of our government, what is the use of talking of our government being a complex government composed of States which have certain powers independently to themselves, over which the general government has no control, and a general government invested with certain powers which the States cannot affect? If this is the form of our government, then the States have no provinces reserved to themselves. The general government has complete jurisdiction and power over all branches and departments of affairs.

It should not be forgotten, that when the Supreme Court pronounced its opinion in these cases, that great jurist, Mr. Justice Stephen J. Field, seconded by Mr. Justice Clifford, dissented, and lifted his voice in an ever memorable protest against the doctrine of the court.

The Democratic theory of the government of the United States is that it has no existence, save as it is created by the powers that the people of the United States have granted to it, and that those powers are clearly defined and limited in the constitution. The Democratic theory is an expression of the proposition that the more nearly government can be reduced to a system of home rule—local self-government, the more perfect the government is, and the greater the liberty and happiness of the citizen will be. It contends that the general government was never intended to have any voice in matters of a local nature. That its province was intended to be the custody of those matters which

are of general concern, such as peace and war, regulation of the currency, regulation of intercourse between this country and foreign countries, and between the different States, regulation of weights and measures, and such other matters in which all the citizens of all the States are equally interested, and that those subjects over which it was intended that it should have control are specifically expressed in the constitution. Its proposition is that the general government has no concern except with those matters in which all the citizens of all the States are equally interested; and that those matters in which each neighborhood is alone interested should be under the control of that neighborhood. Thus, as each citizen of the United States is equally interested in a uniform currency of fixed value, and as each citizen of the United States is equally interested in a uniform system of weights and measures, the general government ought to have control over the currency and the system of weights and measures. The citizen of Texas is as much interested in these as the citizen of Massachusetts is, and the citizen of Massachusetts is as much interested in them as the citizen of Texas is. But the citizen of Massachusetts is not especially interested in the terms and conditions upon which real estate may be passed from one person to another in Texas; nor is the citizen of Texas interested in the regulations that may be prescribed for selling eggs and butter in Massachusetts. These are matters of local concern over which each community ought to have exclusive control. So the preservation

of order in each community (and under this head it is intended to include all measures for the prevention and punishment of all crimes save those that are violations of some one of the enumerated powers of the general government) is also properly a matter of local self-government, of which each community should have exclusive control.

Now, let us consider some of the reasons for each one of these two theories.

The Republican party claims that there is a constant and unending conflict in progress between the negroes and the white people of the Southern States, and that it is necessary that the general government should have power to interfere in that conflict to protect the negro, otherwise the white man will make him the victim of the most diabolical oppression. This I believe to be the entire reason why the Republican party demands that the government shall have power to interfere in the local affairs of the States. Certainly no persons of any party ever demanded powers of this sort for the general government until the demand was asserted that the negro should be taken under the protecting wing of the government. The preceding portion of this essay was devoted to showing that no contest between the races exists when they are let alone; therefore, if the Republican proposition were not one vicious in itself, still no occasion has arisen for resorting to it. The strongest statement of the reasons why the Republican proposition is one vicious in itself, is a statement of the reasons for the proposition of the Democratic party.

The beginnings of all governments of which we have any account, save that of this Union, have been more or less despotic. All the world was at one time more or less barbarous, and amongst barbarians, government means simply power. He who is endowed with sufficient power to subdue others around him to the execution of his will, founds the government which is exercised over his neighbors. In the commencement, therefore, this government is nothing but the expression of the will of this ruler. In all governments of which we have any account there has been always a constant, never ending struggle between the citizens upon the one hand and the government upon the other. Upon the part of the citizen the effort has been to curb the powers of the government—to hedge it around with fences and safeguards for his own rights of person and property—to erect dams and bulwarks between his personal rights and the government's powers. Upon the part of the government the effort has been to retain as much power over the citizen's person and property as it can. The history of every nation is nothing but the story of this contest. Every people has its landmarks along the progress of the strife. In the history of the Anglo-Saxon race, some of the most glorious deeds that illustrate the annals of man are monuments to victories achieved by the people over the crown. Magna Charta, the Petition of Right, the great Rebellion, the *habeas corpus* act, the revolution of 1688—all of these are mere eras in the history of this great battle.

At the time when the American colonies threw off their allegiance to the Crown of England, governmental science was in its palmiest days. In the period between it and the Reformation the profoundest minds of the world had been constantly occupied in its consideration. The thinkers of this country had been no less engaged with it than the thinkers of Europe, and the conclusion had been reached that the only province of government was to take care of those matters of a general nature in which all are concerned, leaving matters of a local nature to be cared for as far as possible by local methods.

The bottom reason for this, being the true proposition of governmental science, is that each and every individual has a natural and an inherent right to absolute liberty of thought and equally to absolute liberty of action, save and except that he must not use his liberty of action so as to trespass upon a right of another person. Now, authority over the individual has a right to restrain his action whenever that action amounts to a trespass upon another's rights; but when it restrains his liberty of action in what would not be a trespass upon another's rights, it is unjust, and is neither more nor less than tyranny. Naturally those who are nearest to the person who complains that the particular act of an individual injures him, are better able to judge of the merits of the controversy than those at a distance. It therefore follows, that the more narrow the focus of local government is made, so that it be wide enough to accomplish the ends of govern-

ment, the less likely the citizen is to have his natural and inherent right to freedom of action unjustly circumscribed.

Those Americans who framed the constitution of our government had these principles deeply instilled into their minds, and they determined to frame the government with a strict regard to them. They determined to grant to it control over all those matters, in which all the citizens of all parts of the country had an equal interest, but they determined to withhold from it power to interfere in matters in which only the people of the neighborhood were interested. The government which they framed was the perfection of human reason, and in its practical operation it secured the very largest liberty and happiness to the citizen. It was only when the Republican party insisted upon its overthrow, and upon the introduction of the proposition, that the general government should be endowed with power to thrust its interfering hand into all matters of a local nature, at its pleasure, that the harmony of the system has been turned into discord. From the day that proposition was affirmed to be a part of the theory of our government, our Eden has been turned into Eden after the introduction of sin.

Prior to the war between the sections, no sane man would have claimed that the government of the United States had any power whatever to interfere with the local affairs of any community. It is only since the war that the claim has been asserted for it, and that claim is based upon the fourteenth amendment to the

Constitution of the United States, which was proposed in Congress, in 1866, and declared to be adopted as a part of the constitution in 1868, and it is upon the following provisions of that amendment, "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor shall any State deprive any person of life, liberty or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

"Congress shall have power to enforce the provisions of this amendment by appropriate legislation."

It is claimed that the entire theory of the government was overthrown, and a new theory adopted, when this amendment was incorporated as a part of the constitution. I do not believe that the people of the United States would ever have permitted it to become a part of their constitution, if they had understood that such momentous consequences were to be claimed from its adoption. Had they understood it, their answer, like that of the English Barons of old, would have been, "*Nolumus leges Americæ mutare.*"

The people of New York never would have agreed that the Congress of the United States might enact a law providing that, upon the complaint of a citizen of Texas, a citizen of the interior of the State of New York might be seized by a United States marshal, hauled off to Texas and tried there, away from friends and witnesses, before a United States judge, and locked up forever in a Texas penitentiary. Yet, just

this the Republican party claims that the fourteenth amendment has empowered Congress to do, and just this claim the Republican Supreme Court sustains.

It is useless to deny that the decisions that the court made go this length. It is idle to say that they do not authorize Congress to have a citizen dragged out of his own State into another for trial. The court expressly announces the proposition, that the methods for securing to citizens the equal protection of the laws are left to Congress, and if it had not announced the proposition, it inevitably flowed from the decision that they made. Its decision was, that Congress might provide that a citizen of New York, charged with having committed a crime in an extreme eastern county of the State of New York, might be hauled off for trial before a United States court, sitting in an extreme western county of the State. Now, there is no obligation resting upon Congress, to have a United States court for New York. It may provide that the business proper, for a United States court, arising in the State of New York, may be transacted in a United States court held in Pennsylvania. So that it may be provided that the New Yorker, charged with having committed a crime in the extreme eastern part of the State of New York, may be summoned for trial before the United States court in Pennsylvania. And if it may be provided that he can be carried there, he may then be equally carried to Texas.

The inconsistency of the Supreme Court in its construction of this amendment, is utterly incomprehen-

ble to plain men. It first came before it for construction in the famous Slaughter House cases, reported in 16th Wallace. In that case the material facts were these: The carpet bag legislature of Louisiana had established one of the most odious monopolies that ever disgraced the statute book of any people. It had given sixteen men the exclusive right of slaughtering all animals used for food in the parishes of Orleans, Jefferson and St. Bernard, containing 1,154 square miles, and between two and three hundred thousand people—containing the City of Orleans. It practically took away from the butchers of New Orleans, of whom there were more than a thousand, their means of livelihood, and left them and their families to subsist as best they could under the tribute that they were forced to pay these sixteen monopolists. How much was paid this legislature to pass this law I know not. The butchers at once attacked the act in the courts of Louisiana as forbidden by the clause of the Fourteenth Amendment quoted, because it abridged the privileges and immunities of citizens of the United States, and deprived them of the equal protection of the laws. The Louisiana courts being composed of judges that were a part of the same carpet bag government, decided against them, and they carried their case to the Supreme Court of the United States. And what will the unlearned reader, who has informed himself of what that court held the Fourteenth Amendment to mean, in the cases that I have been remarking on, think that it held in this butchers' case? It held that

the Louisiana law did not deprive citizens of the equal protection of the laws, and that the only privileges and immunities of citizens that it was intended by it to protect were those privileges and immunities that a citizen has in virtue of his character as a citizen of the United States—such as the right to petition Congress, the right to protection on the high seas, and the right to travel from one State to another. But that all the ordinary matters of personal right—those fundamental matters of citizenship, without which human liberty cannot exist—were left by the amendment outside the pale of its protection. To his eternal honor be it said, that, though a Democrat of the strictest sect, Mr. Justice Stephen J. Field protested against this emasculation of the amendment. This decision was made in 1872, when General Grant and the Republican party were administering the government pretty much to suit themselves, and without the slightest regard to the constitution, so that many persons will feel disposed to sympathize with the court in its endeavor to curb the powers of the government. But if this odious destruction of the very existence of citizens was not forbidden by the Fourteenth Amendment, because to hold so would have been to make an unwarrantable invasion into the scope of the State government, how is it to be said that securing to citizens the equal protection of the laws authorizes Congress to absolutely destroy all State governments? The substance of the recent decisions was that Congress might do what it thought proper to secure to citizens the equal protec-

tion of the laws when they were being denied them. But if this were true, was not the Supreme Court bound to destroy any State law which was palpably denying to citizens equal protection of the laws?

Since such radical results have been worked by incorporating this amendment into the constitution, I may be pardoned for giving the history of its adoption.

In 1868, when it was proclaimed to have been adopted, the Union consisted of thirty-seven States. The constitution requires the assent of three fourths of the States of the Union to an amendment before it can become a part of that instrument. On the 21st of July, 1868, Congress passed a joint resolution, declaring that three fourths of the States having ratified the amendment, it had become a part of the constitution; and on the 28th of July the Secretary of State made public proclamation to the same effect. The Union consisted of thirty-seven States at that time, Colorado having been admitted since; and twenty-seven and three quarters being three fourths of thirty-seven, it consequently required the assent of twenty-eight States to make the amendment a part of the constitution. When it was submitted to the legislatures of the States, the following voted for its adoption, to wit: Alabama, Arkansas, Connecticut, Florida, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, Nevada, New Hampshire, New Jersey, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Tennessee,

Vermont and West Virginia. These, all told, amounted to only twenty-six, two less than enough to adopt it. But almost as soon as the States of New Jersey and Ohio voted to ratify it, they rescinded their votes, and that long before enough of the other States had ratified it to make three fourths of all, so that they are properly to be put down as States voting against it. The States that voted to reject it were New Jersey, Ohio, Kentucky, Maryland, Delaware, Georgia, North Carolina, South Carolina, Texas and Virginia. The States of California, Wisconsin and Mississippi took no action upon it, and are, therefore, to be considered as voting to reject it. The count, therefore, stood twenty-four States voting to ratify the amendment and thirteen voting to reject it. On this count, therefore, it was lost for want of the votes of four States.

In this condition of affairs, Congress passed an act which provided that the so called "Rebel" States should be parcelled out into five military districts, with an army officer not below the rank of brigadier general to command each district. The act made this officer supreme dictator in his district. All the laws of each State in his district were subject to his will, and might be repealed by his order. He was empowered to authorize the local tribunals to sit and try civil causes and persons accused of crime; but he might, in his discretion, supersede these tribunals in either case, and substitute military commissions for them. The only limitation upon the power of this officer was a provision that he was not to inflict capital punish-

ment without the sanction of the President. It is hard to contemplate the provisions of this act, at this distant day, without a shudder. It placed the liberties, and the fortunes, and the lives, to a certain extent, of all the citizens of the Southern States, absolutely under the whims and caprices of a military satrap.

This act contained a further provision, that when any one of the States affected by it should have ratified the Fourteenth Amendment, that State should become entitled to a representation in Congress, and the provisions of the act should no longer be applicable to it. It is not difficult to imagine that these States would have hastened to ratify this amendment, or to do things far more serious than that to escape from the situation in which this law placed them. Accordingly, the States of Georgia, North Carolina, South Carolina, Texas and Virginia reversed the action which their legislatures had previously taken upon it, and ratified the amendment. This made twenty-nine States voting to adopt it, against eight voting against its adoption. In this way the Fourteenth Amendment, which is held to have worked a complete overthrow of our institutions and a complete revolution in the theory of our government, was incorporated into the constitution of the United States. If that amendment were not in the constitution of the United States, no living man would claim that Congress has any power to meddle in the local affairs of a State; and yet it is in the constitution by the proceedings that have been detailed.

I venture the assertion that no such radical change as this was ever worked in the institutions of any people with the semblance of a constitutional government, by such means.

It might be well for the people of the North to ponder on this state of facts. If the constitution may be amended by such proceedings as these, the poisoned chalice may be commended to their own lips. Massachusetts and New York might be converted into Military District No. 1, and held thus until they gave their approval to a constitutional amendment abandoning their just weight in the federal government.

Now, notwithstanding all I have said, I am yet a friend to the Fourteenth Amendment, if only one of its provisions were stricken from it, to wit: Its fifth section, which gives to Congress power to enforce its provisions by appropriate legislation. There has been no grander declaration of human rights since Magna Charta than the first section of the Fourteenth Amendment. Previous to the time of its adoption, there was no definition of citizenship of the United States—indeed, some of the foremost statesmen that the Union had ever had, had denied that there could be a citizenship of the United States further than that citizenship inhered in the individual by reason of his citizenship of his State. This was an evil which ought to have been cured. No one, therefore, can object to the provision which defines what shall constitute citizenship of the Union. It is right that the States should be inhibited to abridge those privileges and immunities of

a citizen which are fundamental, and without which true liberty cannot exist. No State or other authority ought to be permitted to deny to any person the equal protection of the laws, nor ought any person to be deprived of life, liberty, or property, without due process of law. As general propositions of great value, no sensible person could be found who would dispute these; and most, if not all, enlightened Democrats would admit themselves glad to see these provisions in the constitution of the United States if they stood there simply as provisions prohibitory upon the power of the States, without the fifth clause empowering Congress to enforce them by such legislation as it might think proper. The constitution, as it came from the hands of its framers, contained numerous provisions prohibiting certain classes of legislation to the States, such as the prohibition of laws impairing the obligation of contracts, the granting of titles or nobility, the making of bills of credit, etc. Yet it gave Congress no legislative power over these subjects in case the States should legislate in defiance of the constitutional prohibitions. The federal judiciary was provided as the guard to the constitution, and given power to annul and undo whatever the States should attempt to do in opposition to its mandates.

From the beginning of the government down to the period when the late civil war terminated, this instrumentality was found abundant for the preservation of the constitution, and for holding State legislation within the limits assigned to it.

Now, if the provisions of the first section of the Fourteenth Amendment simply forbade State governments to do the things specified there, and left it to the federal judiciary to annul and destroy any action of the State governments which was in defiance of those provisions, few, if any persons, could be found to quarrel with that amendment. Every good which could possibly flow from it would be secured to the citizen, and the theory of our government of a Republic of States would still be preserved. But the Republican theory will demand more. It will not be content with a plan which makes void whatever is attempted in contravention of the constitution. It will have Congress empowered to legislate and enforce its legislation whenever a blind and ignorant majority of partisans may think, in their crude considerations of the nature of government, a case has arisen for central interference with local administration of affairs. This is neither more nor less than despotism. It is a central government without limitations upon its powers, which completely fulfils the idea of despotism.

Recently, my eye fell upon the following admirable letter, written by General Bradley T. Johnson, of the Baltimore (Md.) bar, to the editor of the Dubuque (Iowa) *Herald*. It is full of such sound common sense and practical statesmanship in its views touching the Southern question, that I print it here in full. Colonel D. B. Henderson had made a speech in Iowa, in which he said what follows here; and the editor of the *Herald* had inclosed it to General Johnson to know if he was correctly reported. The extract and the letter follow :

Extract from a speech of Col. D. B. Henderson, at Waterloo, August 11, 1880.

“In this connection, although I do not desire to tell stories, I will relate an incident which happened when I was down in Washington during the trial of the Washburne-Donnelly case. I was introduced to Gen. Johnson, of Baltimore, who was there defending Donnelly. He was a Confederate general of note, and has become an eminent lawyer. Said I to him, ‘General, what will be the outcome of the Southern question? Will the negroes and white Republicans be allowed to vote?’ Said he, ‘I will be frank with you, for it is time there was a better understanding between us. I tell you that we intend to give the negro his personal, property and educational rights, but not his political rights. I asked what his personal rights meant, and he said he referred to his family relations. I said, ‘In States where the negroes are in a majority, what will you do?’ ‘We can’t allow them to vote.’ ‘But suppose they demand it?’ ‘We can’t help it; they can’t vote.’ He then proceeded to discuss the question with me, and added, ‘We have made up our minds, and we might as well understand each other. The negroes in the South cannot exercise their political rights.’ I then said to him that the book I had been reading—Judge Tourgee’s ‘Fool’s Errand’—was true then. He said, while not admitting the philosophy of it, the statements were true to the letter. That, my friends, is the position of the Democratic party in the South to-day. It is only another mode of accomplishing in peace what they failed to accomplish by war.”

“To the Editor of the Dubuque Herald.

“WHITE SULPHUR SPRINGS, WEST VIRGINIA, August 28.

“*Dear Sir:* Your letter of the 17th was forwarded to me here. You inclose what purports to be a report of a speech said to have been made by Col. D. B. Henderson, in which Col. Henderson is said to have stated that I told him in a conversation in Washington, last spring, that ‘We intend to give the negro his personal, property and educational rights, but not his political rights,’ and you ask me to state if his statement is correct. Assuming that Col. Henderson is correctly reported, I have to say that he misunderstood and misapplied

the conversation I then had with him. I am not surprised at this, for the ideas I then suggested were evidently new to him, and in the interview between us, lasting only a short time, it could not be expected that a perfect stranger could at once take in and apply the suggestions then made to him by a person unknown to him before, when these suggestions were made from a standpoint entirely novel and unexpected. I recollect the scope and purpose of our conversation perfectly. Col. Henderson was an intelligent Republican from an extreme Western State, and I thought I could really be of service by imparting to him what I believe to be the heartfelt purposes of our Southern ex-Confederate people. I said that the question with us in the South was a social, fundamental question, not at all connected with temporary partisan issues which interest the other States. Social order, civilization, property, education and progress were all involved in our political action. The framework of our society had been shattered from turret to base, and political power thrust into the hands of those inexperienced and incompetent to use it, and we were required to solve the problem whether society could exist when all the power of government was wielded by the ignorant, the uneducated and the inexperienced members of it. I said the forces that control a State are virtue, intelligence, property and manhood, and that no device could be invented, no constitutional amendment nor congressional enactment be applied, which could change this order of nature.

“When society is left to itself, uncontrolled by exterior force, these vital forces will direct and govern it. Therefore, I said the negro could not control any portion of the Southern States. The whites would govern these States always and under all circumstances, not because they are white, but because they possess those attributes which the other race is deficient in. I said *we*, the whites, would secure the negro all his rights of person and of property: *we* would insure his education and development; *we* would protect him from his own ignorance and inexperience. Left alone, he had proved himself incapable of standing unsupported. But I said, under all circumstances, we will retain the control of society in the hands of the whites, because all the forces of society inhere in and pertain to the whites. I said numerical

majorities of blacks in localities will not prevent this. Power goes to the hands that can use it, and mere numerical power never has controlled and never will control society. Women and children make up the large majority, but power is in the hands of the minority of adult men. Where the blacks have numerical majorities means will be found to control them. Limitations of the franchise by property or educational tests, or by capitation taxes, or by divisions geographical, will be applied, and thus the political power of negro majorities will be destroyed or neutralized. I can well understand how Col. Henderson could have misapplied my remarks. I was talking of the inherent, irresistible forces which control society, above constitutions, laws or political arrangements. He was thinking of the mere voting, and the devices resorted to, by which these forces may best govern it. I now repeat, that under no circumstances will any American State, whether it be Iowa or South Carolina, of its own free will, permit itself to be governed by the ignorant, incompetent and inexperienced classes within it. If some future exodus should flood your fair State with Southern negroes or Eastern Chinese, the Republican and Democratic parties of Iowa would shrivel up like parchment in the fire. They would cease to be, and every white man in Iowa would unite in an earnest effort to preserve the civilization, the society and the moral tone of that social organization which has placed her among the foremost of the American commonwealths.

“Allow me to make a further remark. If the Northern Republicans could be got to understand and appreciate the real difficulties of the Southern question, and the real sentiments and aspirations of the Southern people, we could undoubtedly all be enabled to turn our attention to the discussion and development of great propositions which confront us all alike, and on which the future happiness and prosperity of all alike depend. I ask them, put yourselves in our place; we are opposed to secession; we are for an indissoluble union; we will never consent to slavery in any form, direct or indirect. Now, these things granted, put yourselves in our place, with a class among you, sometimes outnumbering you, always formidable in numbers, on whom political power has been forced without preparation or fitness—would you

not do precisely as we are doing, and would not the white people of Iowa retain their control over their schools, their taxes, their courts, their county and State governments? Would not their wit, their intelligence, their power of organization, more than counterbalance mere numbers? I take it that the anti-Chinese plank of the Chicago platform, for which, doubtless, Col. Henderson voted, is a public confession by the Republican party, that its dogma of race equality is false, and a public retraction of all its old errors on that article of its faith. No man can assert that the Chinaman, with his four thousand years of civilization, is not more fit for the duties of American citizenship than the Southern negro. I assert that the South is as thoroughly union and anti-slavery, to-day, as Iowa or New England. Emancipation has brought to her material development, of which you now only see the dawn. The largest crop of slave-grown cotton was five million bales; this year our crop will be six and a quarter millions. The cost of cotton to the Massachusetts manufacturer is 18 per cent. greater than to the South Carolina or Georgia manufacturer. This difference in prime cost has quadrupled the factories in the South, while New England languishes, and the spindles of Lowell and Fall River are even now in movement to Columbia and Augusta. Some of the States and many of our cities exempt manufacturers from taxation for terms of years, and the next census will show results which you would now deem incredible.

“The late Confederate States are larger by 100,000 square miles than all the free States east of the Rocky Mountains, and there is more public land subject to entry in many of them than in any of your Western States. Florida is as large as New York, New Jersey and Connecticut. Texas is as large as all New England, New York, New Jersey, Pennsylvania and Ohio. We are trying to settle these great States; to develop their imperial resources; we have climate, area and a productive soil. We want men and money, population and capital. To get them we require peace and order. We can secure them only in the Union and of the Union. Its power, its prestige, its boundless resources are ten times more necessary for us than for the opulent and populous States. Therefore, we are resolved to support and maintain

the Union forever, under every contingency, against all attacks, whether from within or without. Our policy is peace and union. They are the necessities of our being and progress. Our aspirations are for railroads, telegraphs, printing presses and school houses. They are toward commerce and trade, the arts, the sciences and literature. Every energy and all our thoughts will be directed for several generations toward development, material and intellectual, toward progress and a higher culture under one government with free and liberal institutions. We will maintain the constitution and all its amendments, because we intend that all parts of the country shall be open to all American citizens with equality of rights, and that no future party shall arise to prohibit negro emigration to any State, as the Republican party has just prohibited Chinese emigration to all the States. We do not intend to have the blacks cooped up and fenced in the States where they now congregate. Our policy extends far beyond the mere temporary partisan issues. There is no South and North, there may hereafter be an East and West. But when the farmer of the great West gets to understand that down the Mississippi valley lie lands which may be had for the asking, whose fertility is such, that a laborer in agriculture can produce from six hundred to a thousand dollars per capita, net, per annum, you will see such a movement of population that in the next ten years will work miracles. As this movement of free institutions and free labor goes on, the world will witness the development of a great people and a great empire.

“The commerce of the world lies within our grasp. Mexico, South America, the new found continent of Africa, all require our products of cotton and tobacco, of our mines and our great factories. The American flag now is as unknown in these seas as that of the republic of San Marino. Norwegian ships come up the James River and carry off Virginia freights. Italian vessels, Dutch skippers and English steamers engross the trade of Charleston, Savannah and New Orleans. The policy and laws of the government for the last twenty years have destroyed the American mercantile marine. We will repeal the laws which have produced these results. We will purchase ships on the Clyde or the Delaware, or wherever we can buy them best, and we will

carry on our own commerce in our own ships, under our own flag, and that flag shall be the stars and stripes. I have taken some space to answer your simple inquiry, but I have tried, in doing so, to put in a clear light, the real questions which interest you and us. I have tried to show that we have a deeper, wider, larger interest than you, in maintaining the Union with the constitution as amended; that our necessity for peace and union is greater than yours, and that we are intent on preserving the one and maintaining the other. When we get this understood we can unite in the examination of economical problems and of systems of taxation and finance, of policies of commerce, and of social laws, and remit the consideration of the rebels and the ku-klux to those who go on 'fools' errands,' and then vex the public by their clatter in telling about them.

"Yours respectfully,

"BRADLEY T. JOHNSON."

ADDENDUM.

In October, 1880, the New York *Sun* called attention to the report of the "Frauds Commission," and invoked Mr. Tourgee's attention to it. Whilst this work was going through the press, my attention was called to a letter from A. W. Tourgee to the New York *Sun*, in the columns of that journal for December 9, in which he gives an explanation of his connection with these matters. I will allow him to state that explanation here in his own words. In his letter to the *Sun* he says:

"Mr. Swepson says that he paid these sums to me at the request of Mr. Littlefield. I know nothing of any arrangement between them or of the fund to which it is charged, except what there appears. The following are the facts in relation to the two sums named:

"In the spring of 1868, as one of the secretaries of the Republican State Committee, I was directed by Mr. Swepson to draw on him for a certain sum for campaign expenses. Accordingly, some time early in April, the election being on the 20th of that month, having need of that sum to pay the expenses of certain speakers, I drew on Mr. Swepson for \$200. This draft was protested. I did not learn of the protest until some time afterward, and then wrote to Mr. Swepson in regard to it, and it was paid. I have no idea why it was charged to Littlefield, as I never had any communication with him in regard to the matter, and did not know that he had any knowledge of it until I read the testimony of Mr. Swepson.

"The second was in this wise: In June or July, 1869, I learned that a piece of property I was very anxious to have would be sold for

cash. Not having the money, I went to the owner, Mr. J. A. Gray, a prominent banker and active Democrat of Greensboro, N. C., where I have resided ever since the war, and obtained the refusal of the property for a few days, telling him that I would try to borrow the money from Mr. Swepson. Mr. Swepson had been my first client after going to North Carolina, and I had had some other business relations with him before my election to the bench in the spring of 1868. He had once intimated that he would lend me the money to buy this property. I went to Raleigh, and there learned that Mr. Swepson was in New York. Happening to see Mr. Littlefield, I mentioned my disappointment and my fear that I would lose the property. He at once said he would arrange it for me. He, therefore, took my notes, payable semi-annually, in alternate sums of \$400 and \$600, to meet my prospective means of payment, with interest at 8 per cent., and gave me a sight draft on Mr. Swepson for the amount required, \$3,500. He said he had no doubt that Mr. Swepson would be willing to lend me the money, and he would indorse the notes to him. I told him I would secure them by mortgage on the property. Accordingly the notes were not stamped, but marked according to the law as it then was: 'To be secured by mortgage of real estate duly stamped.' Mr. Littlefield said he would let me know in whose favor Swepson desired the mortgage to be drawn. As the notes were negotiable and the check was not money, a memorandum of the transaction was made and signed and witnessed by a gentleman who was present. It is still in my possession. I returned to Greensboro, assigned Littlefield's draft on Swepson to Mr. Gray, directed the deed to be made out, and went off on my circuit. On my return Mr. Gray told me the draft had been protested. I wrote to Littlefield for the return of my notes. The reply was a note from Swepson to send on the draft, which was done, and he paid it, also the protest fees. Some time afterward I saw Mr. Littlefield, and told him I was ready to execute the mortgage. He said that Swepson had refused to loan the money on such long time, and he had been compelled to arrange for the payment of the draft himself, but he hoped Swepson would take the notes when they came to a settlement, and then the mortgage could be made to him. These

notes were given in good faith, and I considered them *bona fide* debts. The transaction was an open one, known to a dozen or more parties, and made without any attempt at concealment.

"I was afterward served with a garnishment by creditors of Littlefield, suing in the Superior Court of Wake County, and made answer admitting the indebtedness, which I had never denied or concealed. Pending this litigation came the commercial panic of 1873. Being largely engaged in manufacturing, I was caught short, and, to secure my creditors, mortgaged all my property, which was insufficient to meet the liabilities of my business. In consequence of this, I suppose, the garnishment was not pressed. Some years afterward, when their collection had been barred by limitations, the notes were surrendered to me by Mr. Swepson."

Upon this the *Sun* made the following delicious comments in its editorial columns:

"His explanation of the second entry, \$3,502.55, is less simple. An alleged business transaction of rather complicated nature is involved. Mr. Tourgee's narrative of the alleged facts must be carefully perused in order to understand the defence at all. To the best of our comprehension, it is admitted by Mr. Tourgee that he received \$3,500 which ultimately came from Swepson, through Littlefield's friendly offices; and that this alleged loan was never repaid by himself.

"The objection that will probably be made to both of these explanations, as answers to the charge, is that much more roundabout methods have before this been used by clever men to cover corrupt dealings. If Mr. Tourgee were able to show that he ever, in any form, repaid the alleged loan of \$3,500, the case would be different.

"On the other hand, the theory of Mr. Tourgee's innocence of wrong doing is not wholly inconsistent with the proved facts. We are glad to put special emphasis on this point. To make the theory of innocence accord with the admitted facts, however, it is necessary to allow for a series of coincidences of an extraordinary character. Mr. Tourgee wants to borrow money to buy some land. He thinks of

applying to Mr. Swepson, who happened to be his political and personal friend. Mr. Swepson happens at this time to be spending hundreds of thousands of dollars for the purchase of politicians. Mr. Tourgee happens to mention his desire to Mr. Littlefield, a notorious and professional corruptionist, who happens to be Mr. Swepson's agent in the purchase of State officials. Mr. Littlefield happens to be in a mood which leads him to undertake to arrange Mr. Tourgee's business with Mr. Tourgee's personal friend Swepson. Mr. Tourgee happens to be undergoing a phase of folly which inclines him to accept the offer of this notorious person. Between Swepson and Littlefield the money is found for Mr. Tourgee, who profits by it. Business embarrassments happen, which prevent Mr. Tourgee from repaying the obligation. And finally, through the most unfortunate of a long train of unfortunate circumstances, the transaction, by an unaccountable mistake, gets recorded in the private corruption account kept between Swepson and Littlefield."

But the transaction will bear even closer inspection than the *Sun* has given it.

The substance of it is this: Tourgee, wanting \$3,500, mentions that fact casually to Littlefield. Littlefield says, he shall have the money; that he (Littlefield) will draw a draft for the amount on Swepson. Tourgee says, if you will, I will give my notes for it, which I will secure by a deed of trust on the property that I am going to pay for with it. All right, says Littlefield, and he draws his draft on Swepson for \$3,500, payable to the order of Tourgee, and Tourgee takes this draft and gives it to Gray in payment for the property. The draft comes back protested. Tourgee reports that fact to Littlefield, and Littlefield answers with a note from Swepson, directing the draft to be forwarded, which is done, and he pays it. Some time afterwards

Tourgee meets Littlefield, and tells him he is ready to execute that deed to secure Swepson payment of the notes which he supposed Littlefield had transferred to him, whereupon Littlefield tells him that Swepson would not take the notes, and that he, Littlefield, had been compelled to raise the money for him, and that the debt is due by Tourgee to himself. Further discussion as to securing the debt by a deed of trust seems to have been abandoned, Littlefield being content to waive that, and being satisfied with Tourgee's personal obligation. In time Littlefield fails and Tourgee fails, and by some process left wholly unexplained, Littlefield transfers Tourgee's notes to Swepson. When we next hear of the notes they are brought by Swepson to Tourgee and surrendered to him without consideration.

Now, the first inquiry that naturally strikes the mind is, why should Littlefield, upon whom Tourgee had no claims, have volunteered to draw his draft for Tourgee's benefit, for so large a sum as \$3,500? A letter to Swepson, urging him to let Tourgee have the money, would have done all that a draft could do. Why should he have thus become Tourgee's indorser? Secondly, if he were going to do so disinterested a thing, as we are bound on Tourgee's statement to believe that he did, why should he have drawn his draft on a person in whose hands he had no funds? Swepson's refusal to pay the draft was proof that Littlefield had no funds in his hands. And third, as he was going to do so liberal and disinterested a thing, why, of all men in the world, should he have selected Swep-

son, with whom he had his corrupt bargain for bribing the legislature, as the man to draw on? The next thing that arrests attention is this, why should Littlefield have been "*compelled* to arrange for the payment of the draft himself?" Tourgee had no claims of any sort whatever on Littlefield. Littlefield had simply volunteered out of pure and simple friendship, to help him forward in getting a loan from Swepson. When the draft came back protested, Littlefield's course was to say to Tourgee, "Well, old fellow, I've done all I could to enable you to get a loan from Swepson, but it seems that he won't lend. I'm sorry for you; you must arrange the matter with Gray." He was not "*compelled*" to make any arrangements to take the draft up, unless Gray demanded it, and it is not averred that he did. No money had been obtained on it; it had simply been assigned to Gray to be payment for his property, in case Swepson honored it; to be nothing in case he did not. Gray, in the meantime, held on to his property, so that he was not damaged by Swepson's refusal to pay, except to the extent of the loss of a sale. Littlefield, therefore, was under no obligation, except obligations to Tourgee, the consideration of which, Tourgee best knows, to take up the draft when it came back protested, and pay the amount of it to Gray, in the absence of any demand by Gray.

Next, why should Swepson, after Tourgee's notes came to be his property, have made Tourgee a present of them? The impression is sought to be made, that Littlefield passed them off to Swepson in payment of

money that he owed him. If so, then Tourgee became Swepson's debtor to the amount of the notes. Why should Swepson have released him from the debt without consideration? Mr. Tourgee suggests the idea that they were barred by the statute of limitations, and that Swepson made him a present of them because they had become worthless. Fie, Mr. Tourgee! Would you have us believe that your character, among your friends, was at so low an ebb that they looked upon a *bona fide* debt due by you, but barred by the statute of limitations, as utterly worthless—as no better than old rags, or not so good? You, too, who contained in yourself an embodiment of the great "moral ideas" party, and who, from pure conviction of duty alone, had taken upon yourself the missionary obligation of saving and regenerating the barbarous people of North Carolina. But, aside from this view, so derogatory to Mr. Tourgee, let us consider for a moment, how Swepson would have viewed it. We all know that in practical life, creditors do not surrender to their debtors evidences of debt, because they may happen to be barred by the statute of limitations. They hold on to them in the hope that something may turn up, through which they may realize something. But supposing the notes were barred, still, Swepson would not have surrendered them without consideration, unless he had been a fool. When the notes were given, it was with an agreement written out on the face of the notes, that they should be secured by a deed of trust. Now, though the statute might have

run against the notes, yet it would not have run against the deed, which would, under the laws of most States, have taken the notes under its protection. *City of Kenosha v. Lamson*, 9 Wallace; *City of Lexington v. Butler*, 14 Wallace. I do not mean to express an opinion, that Swepson, by bringing a suit in equity to compel Tourgee to execute the deed of trust, could have thus cut him out of his plea of the statute; but I do mean to say, that ninety-nine lawyers out of every hundred to whom he might have applied for advice, would have told him that there was too much show for his winning, for him to throw away his notes.

Finally, why should Swepson have charged this money in the corruption account between himself and Littlefield—and charged it, too, at the very moment when it was advanced? It is not suggested that he was an enemy to Tourgee, and inspired by a desire to injure him; on the contrary, Tourgee represents him to have been his friend. Yet, if it did not belong to the corruption account, it is difficult to conceive of any other inspiration that could have induced him to put it there.

The memorandum of the transaction that was made by Tourgee at the time, and signed by a witness, is not entitled to a feather's weight. If the transaction was intended as a device for concealing a payment for lobby services, just some such trick as this would have been resorted to, to conceal the matter. If the thing had been perfectly fair and such a matter as was fit for the light of day, the chances would have been against

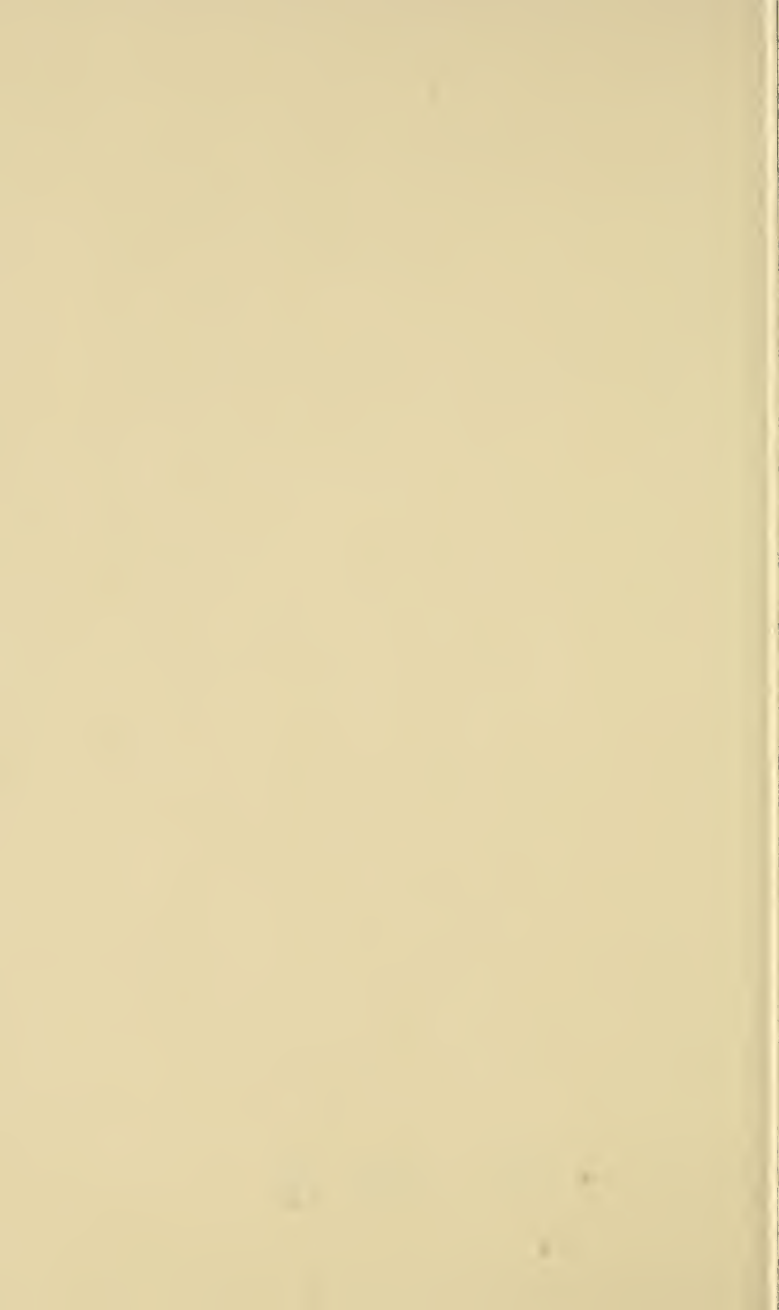
the making of any such memorandum to be signed by a witness. It would have been wholly unnecessary, and would necessarily have been an indication of distrust of Littlefield.

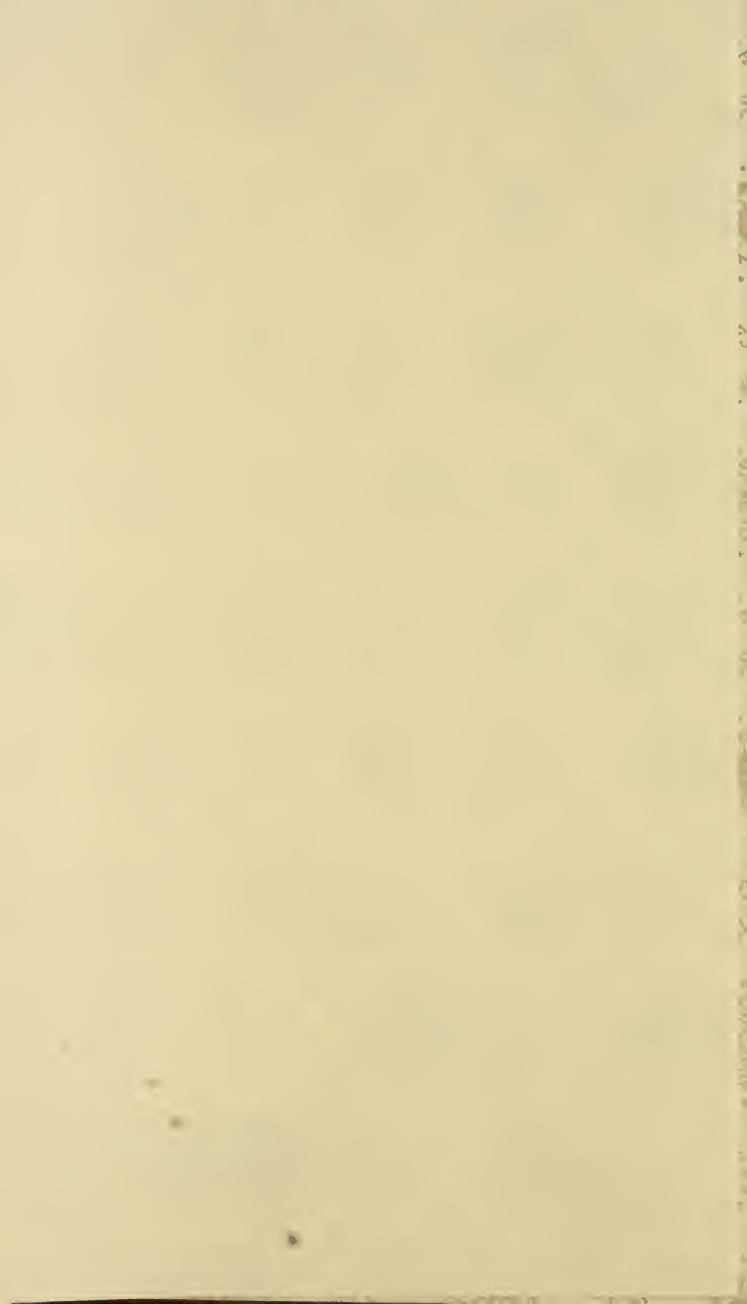
He (Littlefield) had acted in the matter nothing but the part of a disinterested friend, involving his credit to a certain extent for his friend, without consideration; and after his friendly interposition, for Tourgee to have turned on him and said, "we must have all this in writing and witnessed," would have been a poor return to make him.

Mr. Tourgee will have to make a very different explanation from that which he has made, before the public will believe that he has disconnected himself from Swepson and Littlefield and their corrupt arrangement. The multitude of disconnected facts upon which his explanation is made to turn, reminds one of Artemus Ward's reply to the Mormon ladies: "Yes, ladies, it is the *muchness* of the thing that I object to." The "*muchness*" of Mr. Tourgee's explanation will be sure to arrest attention.

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DEC 79

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